

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

Planning Permit Application: TP-2020-274
54-62 Bourke Street, 11-19 Liverpool Street and
Shop 9, 10-26 Crossley Street, Melbourne

8 December 2020

Presenter: Evan Counsel, Director Planning and Building

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application seeking approval to demolish existing buildings at 11-19 Liverpool Street, construct a new building in their place and to use the whole of the land including properties located at 54-62 Bourke Street (Jobs Warehouse), 11-19 Liverpool Street and Shop 9, 10-26 Crossley Street, as a hotel.
2. The applicant is SJB Planning, the owner is The O'Brien Group and the architect is Point Architects.
3. The site is located in Capital City Zone Schedule 1 (CCZ1 - Outside the retail core), Heritage Overlay (HO500 Bourke Hill Precinct and HO532 (Jobs Warehouse), Design and Development Overlay Schedules 1 (Active street frontages), 3 (Traffic conflict frontages - Capital City Zone) and 62 (Special character areas – Built form (Bourke Hill)) and Parking Overlay Schedule 1 (Capital City Zone, Outside the retail core).
4. The proposed hotel would comprise a variety of dining and bar spaces, accommodate up to 957 patrons and operate until 3am seven days a week. The Jobs Warehouse building at 54-62 Bourke Street is retained and remodelled (a heritage permit has been approved). The new Liverpool Street building would feature a decorative frontage comprising irregular window openings, integrated seating and greening.
5. Public notice of the initial proposal was undertaken and a total of 92 objections were received. The applicant chose to formally amend their proposal during the planning process. Further public notice of the amended proposal has been undertaken and 46 objections were received. Three letters of support have also been received.

Key issues

6. The key issues for consideration are the potential impacts of the use upon the general amenity of surrounding residents and the presentation of the Liverpool Street wall.
7. Following discussions between the applicant and Council and subsequent amendments to the design, it is considered that the presentation and extent of activation to Liverpool Street is now acceptable.
8. The management and acoustic measures proposed by the applicant have been supplemented and meet best practice, with the courtyard now incorporating a glazed roof to be closed at 10pm.
9. However, it is considered that the proposed hours of operation remain excessive for a hotel use at the scale proposed. The proposed hours and intensity of the hotel land use would unreasonably impact upon the amenity and character of the area, and the nature and use of surrounding land. In particular, the large number of patrons exiting into the general area at 3am is of concern, with two apartment buildings immediately across Liverpool Street.
10. Recommended permit conditions include limiting the hours of operation to 1am and the provision of additional management and technical measures to safeguard the general amenity of the surrounding area.

Recommendation from management

11. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit subject to the conditions set out in the delegate report (refer Attachment 4 of the report from management).

Attachments:

1. Supporting Attachment (Page 2 of 46)
2. Locality Plan (Page 3 of 46)
3. Selected Plans (Page 4 of 46)
4. Delegate Report (Page 19 of 46)

Supporting Attachment

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and each objector notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

Finance

3. There are no direct financial issues arising from the recommendations contained within this report.

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

5. Relevant planning considerations such as traffic and waste management, potential amenity impacts and potentially contaminated land that could impact on health and safety have been considered within the planning permit application and assessment process.

Stakeholder consultation

6. Public notice of the application has been undertaken to surrounding owners and occupiers, pursuant to Section 52 of the Act.

Relation to Council policy

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

Environmental sustainability

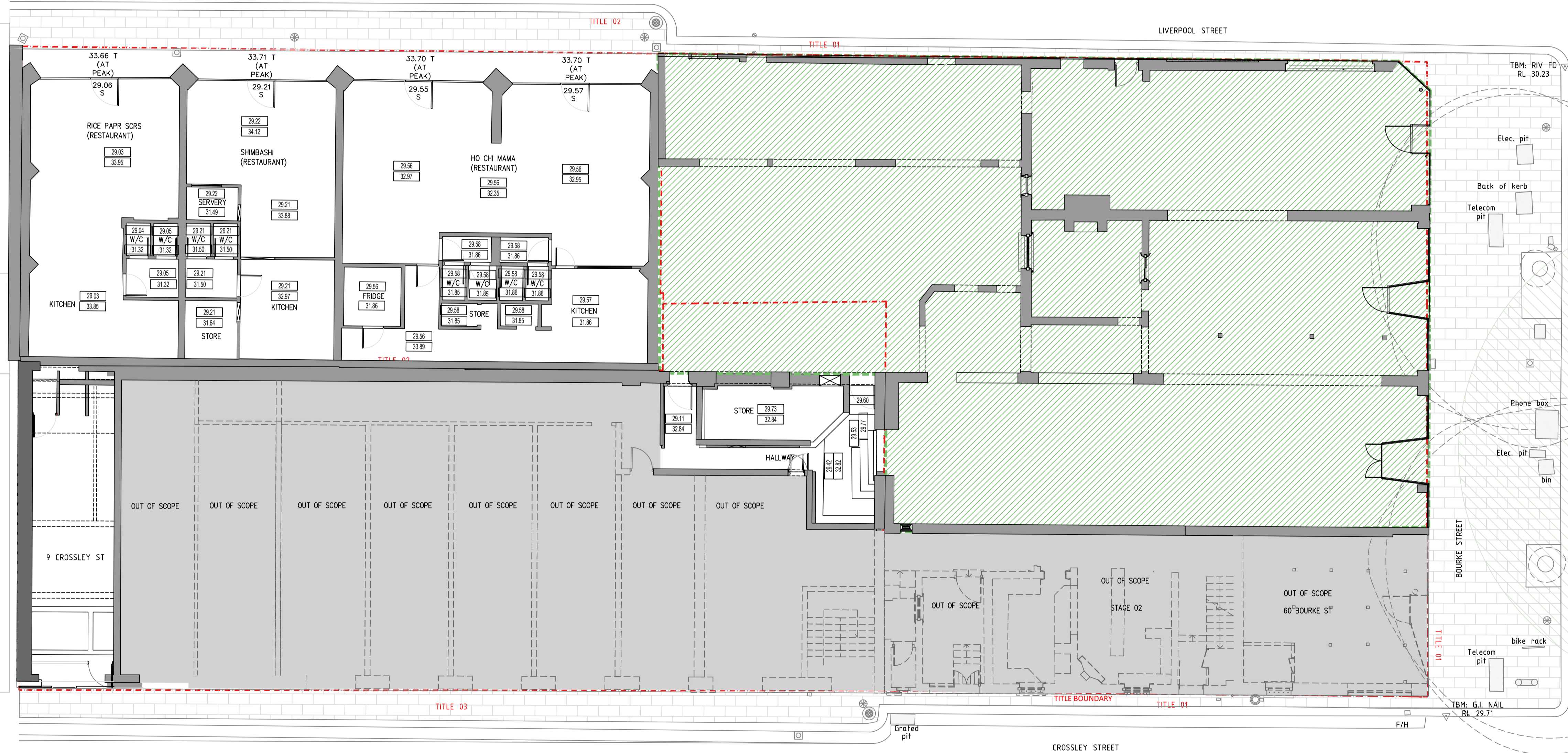
8. The Environmentally Sustainable Design (ESD) report submitted with the application confirms the proposed development will achieve the relevant performance measures set out in Clauses 22.19 (Energy, Water and Waste Efficiency) and 22.23 (Stormwater Management) of the Melbourne Planning Scheme.

Locality Plan

Attachment 2
Agenda item 6.1
Future Melbourne Committee
1 December 2020

54-62 Bourke Street, 11-19 Liverpool Street and
Shop 9, 10-26 Crossley Street, Melbourne





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General Notes

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A.SC_03800	SIGNAGE SCHEDULE	
A.SC_06400	LOOSE FURNITURE SCHEDULE	XXX-XX

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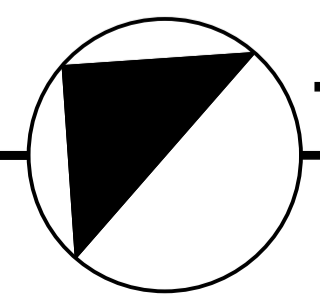
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01 EXISTING AND DEMOLITION - GROUND FLOOR PLAN
 1:100



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REV	DESCRIPTION	DRN	CHK	DATE
01	TP RESUBMISSION	MM		25.02.20
02	TP RESUBMISSION	BP		15.07.20



TOWN PLANNING

PROJECT TITLE DRAWN SCALE PLOT DATE JOB No.

54-62 BOURKE STREET
 MELBOURNE, VIC, 3000

EXISTING - GROUND
 FLOOR PLAN

BP 1:100 @ A1 1032

TP100 02

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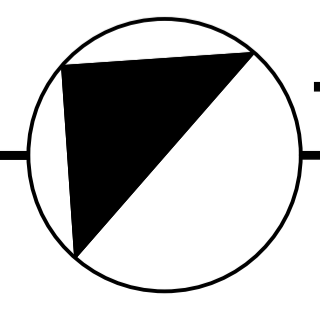
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REMOVE FLOOR STRUCTURE TO ALLOW NEW FLOOR LEVEL
 CAP ALL SERVICES
 DEMOLISH ENTIRE SITE TO ALLOW NEW CONSTRUCTION
 PARTIALLY REMOVE EXISTING WALL TO CREATE NEW OPENING

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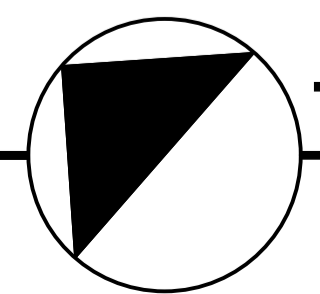
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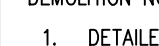
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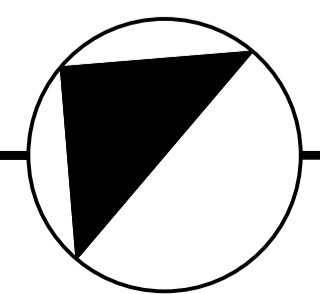
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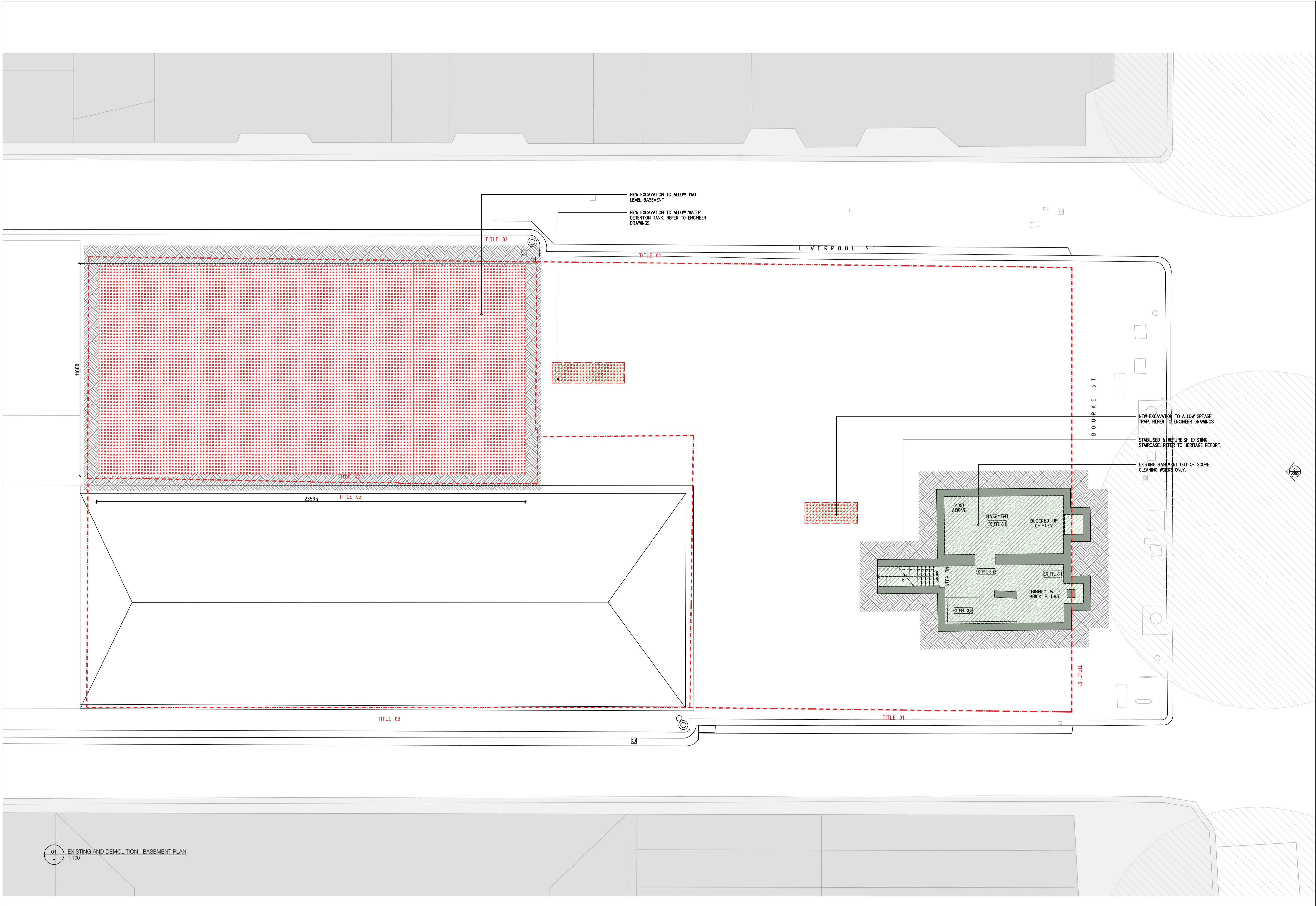
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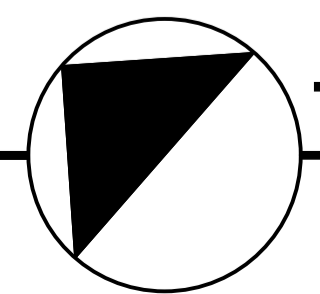
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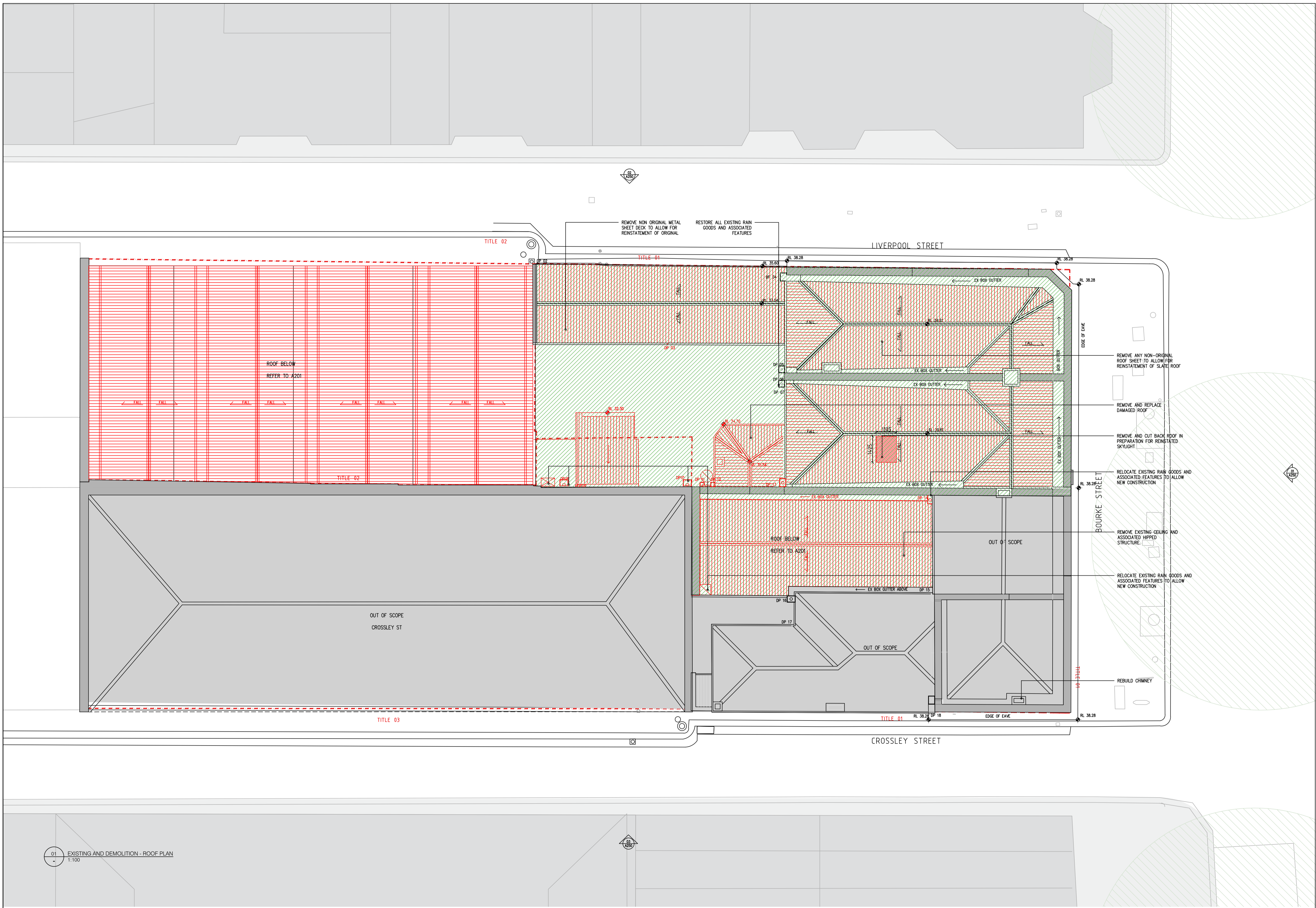
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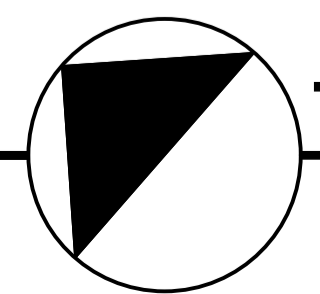
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 10. REFER TO HYDRAULIC ENGINEER'S DRAWINGS FOR ALL EXISTING EQUIPMENT FITTINGS TO BE RETAINED AND REUSED
 11. CAREFULLY REMOVE ANY INTERNAL WALL LININGS THAT HAVE DISLODGED OR ARE FLAKING AWAY FROM THE WALLS. VOS EXTENT WITH ARCHITECTS



545 King Street West Melbourne 3003 t : 93295988 f : 93294707 e : info@pointarc.com.au

REV	DESCRIPTION	DRN	CHK	DATE
01	TP APPLICATION	MM		18.02.19
02	TP RESUBMISSION	BP		15.07.20



TOWN PLANNING

PROJECT: 54-62 BOURKE STREET MELBOURNE, VIC, 3000

TITLE: DEMOLITION - ROOF PLAN

DRAWN: BP SCALE: 1:100 @ A1 PLOT DATE: JOB No. 1032

TP203 02

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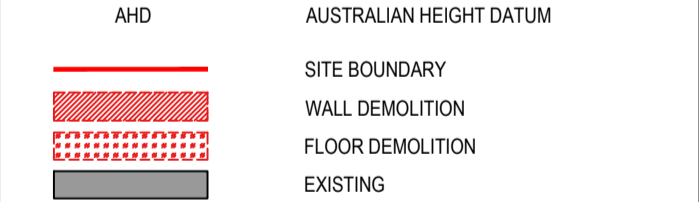
General Notes

ALSO REFER TO SPECIFICATIONS AND SCHEDULES FOR ADDITIONAL INFORMATION INCLUDING:

SCHEDULES		
A_SC_01000	INTERNAL WALL SCHEDULE	WT-XX
A_SC_01100	MATERIAL SCHEDULE	XX-XX
A_SC_01200	FFE SCHEDULE	LF-XX
A_SC_01300	LIGHTING SCHEDULE	LT-XX
A_SC_01400	FACADE GLAZING SCHEDULE	
A_SC_01700	DOOR SCHEDULE	DX
A_SC_01800	FACADE TYPE SCHEDULE	FT-XX
A_SC_03600	SIGNAGE SCHEDULE	
A_SC_06400	LOOSE FURNITURE SCHEDULE	XXX-XX

SPECIFICATION

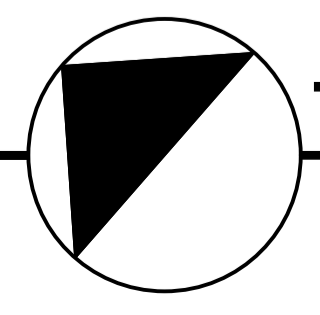
A_SP_02000	EARLY WORKS SPECIFICATION
A_SP_02001	TENDER SPECIFICATION
RL_XX.XXXX	REDUCED LEVEL (AHD 83)
EX_RL_XX.XXXX	EXISTING REDUCED LEVEL (AHD 83)
FFL_XX.XXXX	FINISHED FLOOR LEVEL
EX_FFL_XX.XXXX	EXISTING FINISHED FLOOR LEVEL
SFL_XX.XXXX	STRUCTURAL FLOOR LEVEL
EX_SFL_XX.XXXX	EXISTING STRUCTURAL SLAB LEVEL
CL_XX.XXXX	CEILING HEIGHT
AHD	AUSTRALIAN HEIGHT DATUM



DEMOLITION NOTES

1. DETAILED WALKAROUND ON SITE WITH ARCHITECT AND HERITAGE CONSULTANT PRIOR TO DEMO
2. WEEKLY V.O.S FOR POST DEMO SUMMARY
3. BUILDER TO CONDUCT THOROUGH AUDIT OF WORKS TO BE DEMOLISHED BEFORE COMMENCEMENT
4. BUILDER TO CONFIRM WITH ARCHITECT PROPOSED HOLD POINTS FOR DEMOLITION STAGE WORKS BEFORE COMMENCEMENT
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REV	DESCRIPTION	DRN	CHK	DATE
01	TP RESUBMISSION	MM		25.02.20
02	TP RESUBMISSION	BP		15.07.20



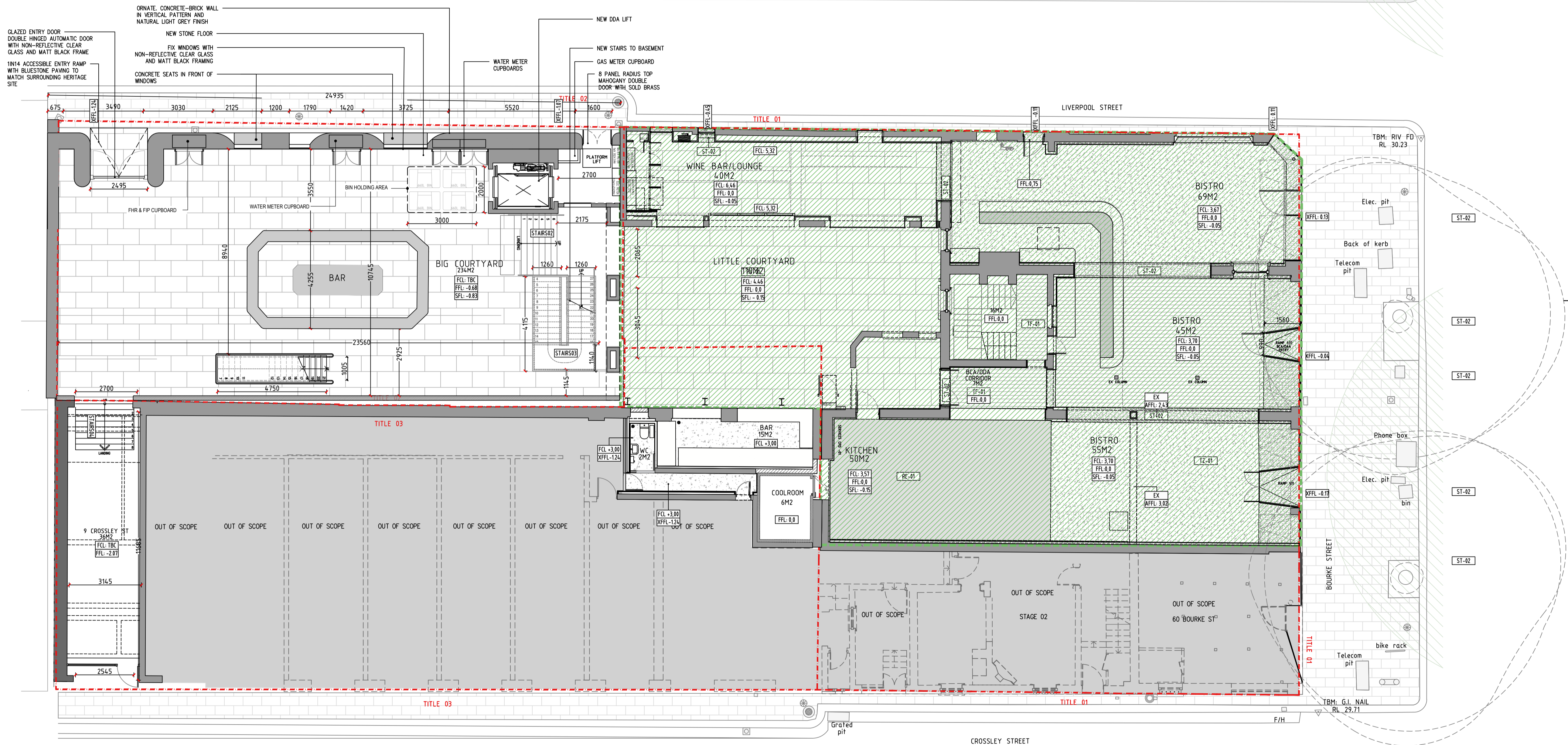
TOWN PLANNING

PROJECT
 54-62 BOURKE STREET
 MELBOURNE, VIC, 3000

TITLE
**EXISTING & DEMOLITION
 FACADES**

DRAWN SCALE PLOT DATE JOB No.
 BP 1:100 @ A1 1032

TP250 02



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General Notes

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A.SC_01200	FFE SCHEDULE	LF-XX
A.SC_01300	LIGHTING SCHEDULE	LT-XX
A.SC_01400	FACADE GLAZING SCHEDULE	
A.SC_01700	DOOR SCHEDULE	DX-XX
A.SC_01800	FACADE TYPE SCHEDULE	FT-XX
A.SC_03600	SIGNAGE SCHEDULE	
A.SC_06400	LOOSE FURNITURE SCHEDULE	XXX-XX

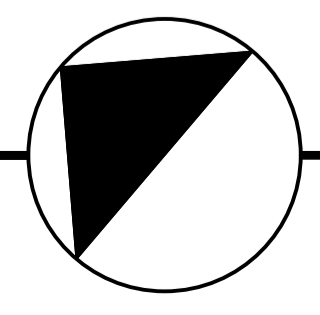
SPECIFICATION

A.SP_02000	EARLY WORKS SPECIFICATION
A.SP_02001	TENDER SPECIFICATION
RL_XX.XXX	REDUCED LEVEL (AHD 83)
EX_RL_XX.XXX	EXISTING REDUCED LEVEL (AHD 83)
FFL_XX.XXX	FINISHED FLOOR LEVEL
EX_FFL_XX.XXX	EXISTING FINISHED FLOOR LEVEL
SFL_XX.XXX	STRUCTURAL FLOOR LEVEL
EX_SFL_XX.XXX	EXISTING STRUCTURAL SLAB LEVEL
CL_XX.XXX	CEILING HEIGHT
AHD	AUSTRALIAN HEIGHT DATUM
---	SITE BOUNDARY
---	WALL DEMOLITION
---	FLOOR DEMOLITION
---	EXISTING

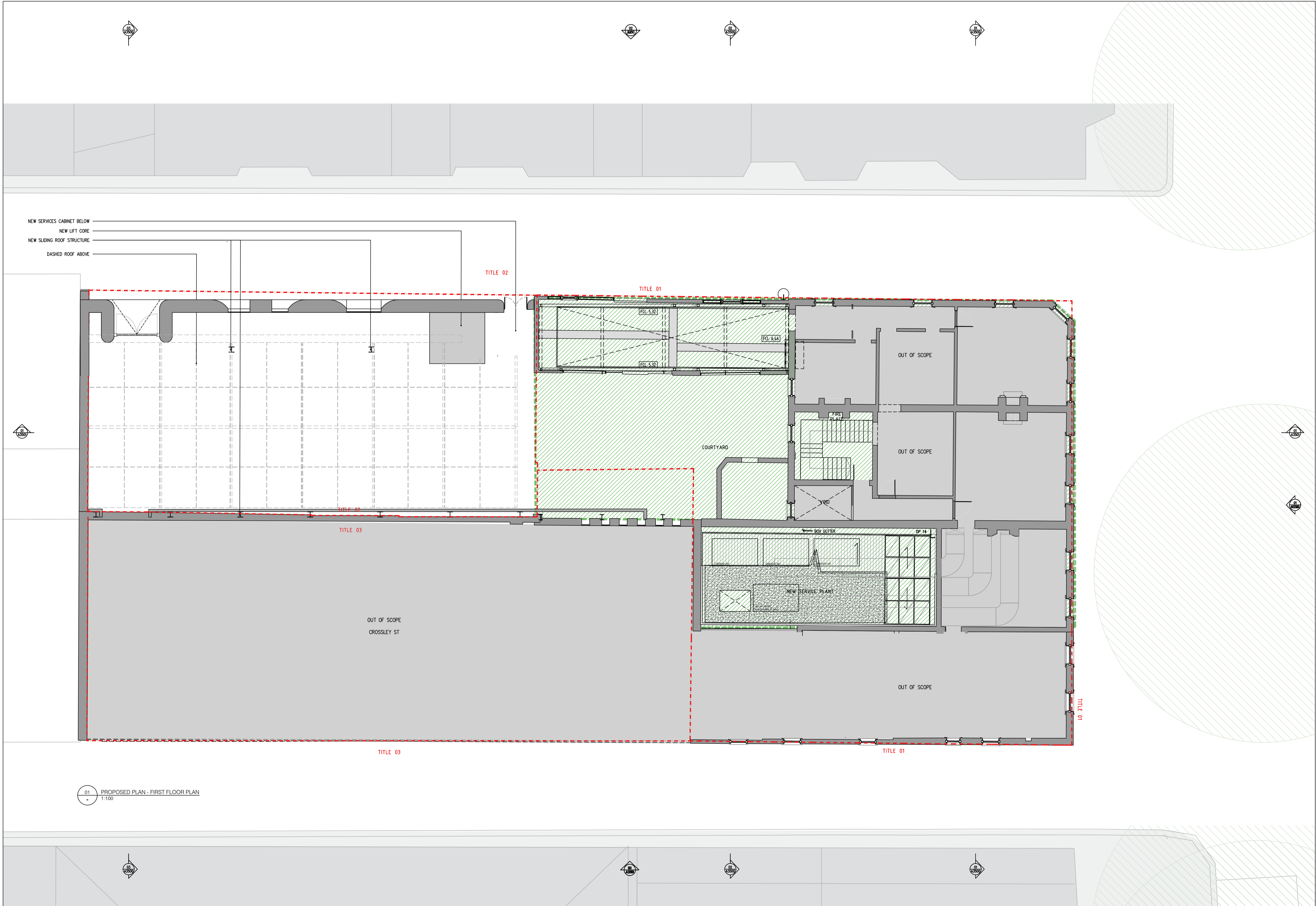
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01 PROPOSED PLAN - GROUND FLOOR PLAN
 T:1/00

REV	DESCRIPTION	DRN	CHK	DATE
01	TP APPLICATION	MM		18.03.20
02	TP RESUBMISSION	BP		15.07.20
03	TP RESUBMISSION	BP		22.07.20
04	TP RESUBMISSION	BP		28.08.20
05	WMP AMENDMENTS	BP		16.10.20



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A.SC_01100	MATERIAL SCHEDULE	XX.XX
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A.SC_01300	LIGHTING SCHEDULE	LT.XX
A.SC_01400	FACADE GLAZING SCHEDULE	
A.SC_01700	DOOR SCHEDULE	DX.X
A.SC_01800	FACADE TYPE SCHEDULE	FT.XX
A.SC_03600	SIGNAGE SCHEDULE	
A.SC_06400	LOOSE FURNITURE SCHEDULE	XXX.XX

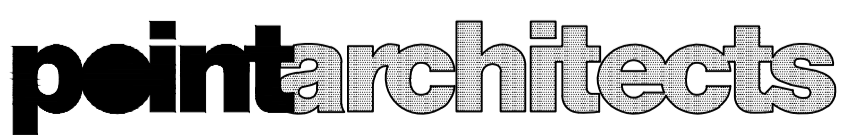
SPECIFICATION

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EX_RL_XX.XXX	EXISTING REDUCED LEVEL (AHD 83)
FFL_XX.XXX	FINISHED FLOOR LEVEL
EX_FFL_XX.XXX	EXISTING FINISHED FLOOR LEVEL
SFL_XX.XXX	STRUCTURAL FLOOR LEVEL
EX_SFL_XX.XXX	EXISTING STRUCTURAL SLAB LEVEL
CL_XX.XXX	CEILING HEIGHT
AHD	AUSTRALIAN HEIGHT DATUM

---	SITE BOUNDARY
---	WALL DEMOLITION
---	FLOOR DEMOLITION
---	EXISTING

DEMOLITION NOTES

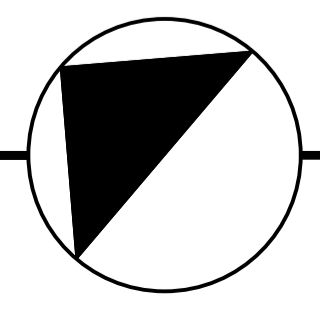
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REV	DESCRIPTION	DRN	CHK	DATE
01	TP APPLICATION	MM		25.02.20
02	TP RESUBMISSION	BP		15.07.20
03	TP RESUBMISSION	BP		21.08.20



TOWN PLANNING -

PROJECT
54-62 BOURKESTREET
MELBOURNE, VIC, 3000

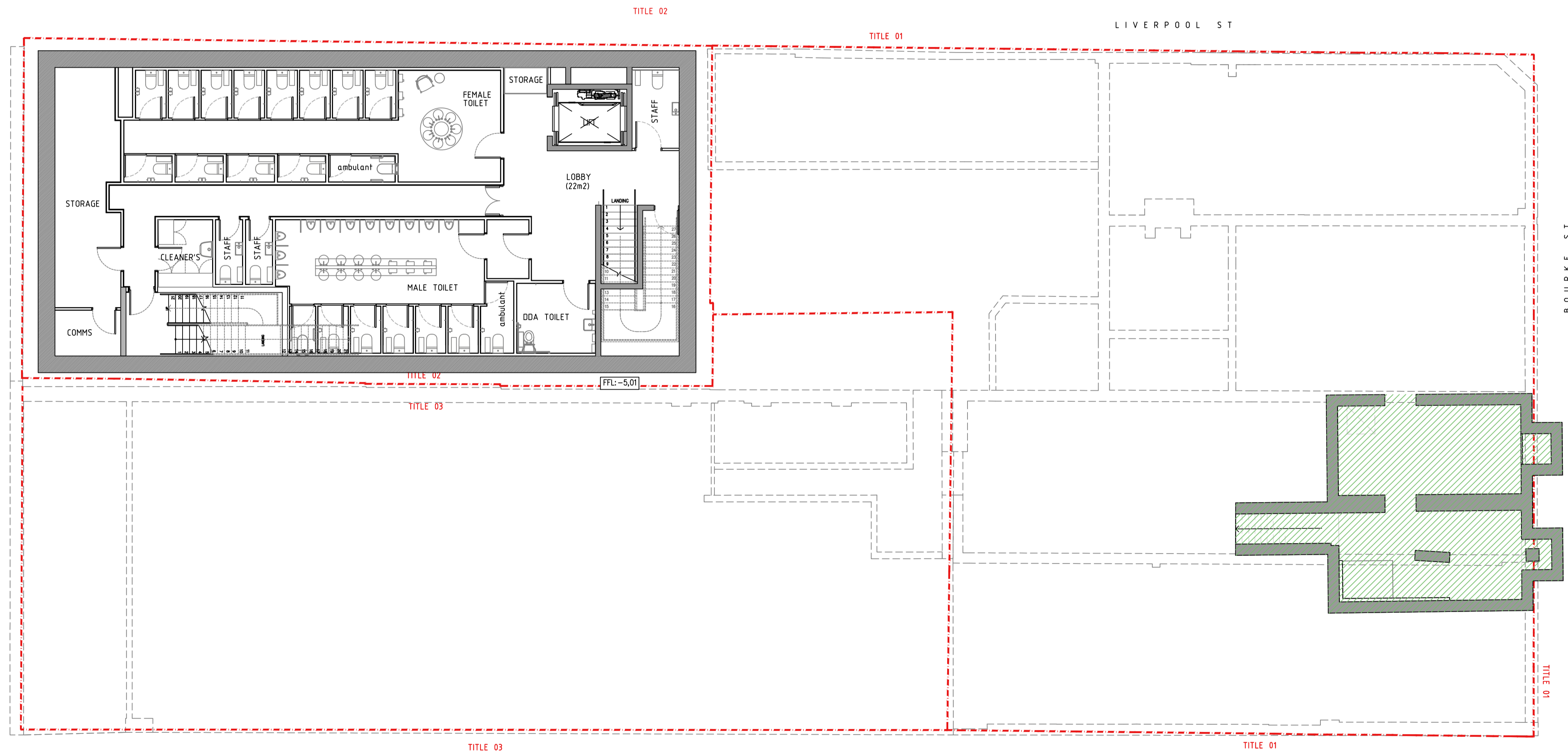
TITLE
PROPOSED PLAN - FIRST
FLOOR PLAN

DRAWN SCALE PLOT DATE JOB No.

BP 1 : 100 @ A1 1032

DWG No. REVISION

TP1001 03



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General Notes

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A_SC_01200	FFE SCHEDULE	LF.XX
A_SC_01300	LIGHTING SCHEDULE	LT.XX
A_SC_01400	FACADE GLAZING SCHEDULE	
A_SC_01700	DOOR SCHEDULE	DX.XX
A_SC_01800	FACADE TYPE SCHEDULE	FT.XX
A_SC_03600	SIGNAGE SCHEDULE	
A_SC_06400	LOOSE FURNITURE SCHEDULE	XXX.XX

SPECIFICATION

A_SP_02000	EARLY WORKS SPECIFICATION
A_SP_02001	TENDER SPECIFICATION
RL_XX.XXX	REDUCED LEVEL (AHD 83)
EX_RL_XX.XXX	EXISTING REDUCED LEVEL (AHD 83)
FFL_XX.XXX	FINISHED FLOOR LEVEL
EX_FFL_XX.XXX	EXISTING FINISHED FLOOR LEVEL
SFL_XX.XXX	STRUCTURAL FLOOR LEVEL
EX_SFL_XX.XXX	EXISTING STRUCTURAL SLAB LEVEL
CL_XX.XXX	CEILING HEIGHT
AHD	AUSTRALIAN HEIGHT DATUM

---	SITE BOUNDARY
■	WALL DEMOLITION
■	FLOOR DEMOLITION
■	EXISTING

DEMOLITION NOTES

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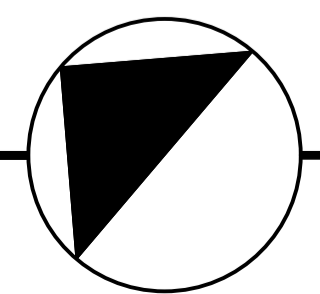
01 PROPOSED PLAN - BASEMENT 01
 T:100



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REV	DESCRIPTION	DRN	CHK	DATE
01	TP APPLICATION	MM		16.03.20
02	TP RESUBMISSION	BP		15.07.20
03	TP RESUBMISSION	BP		22.07.20
04	TP RESUBMISSION	BP		21.08.20



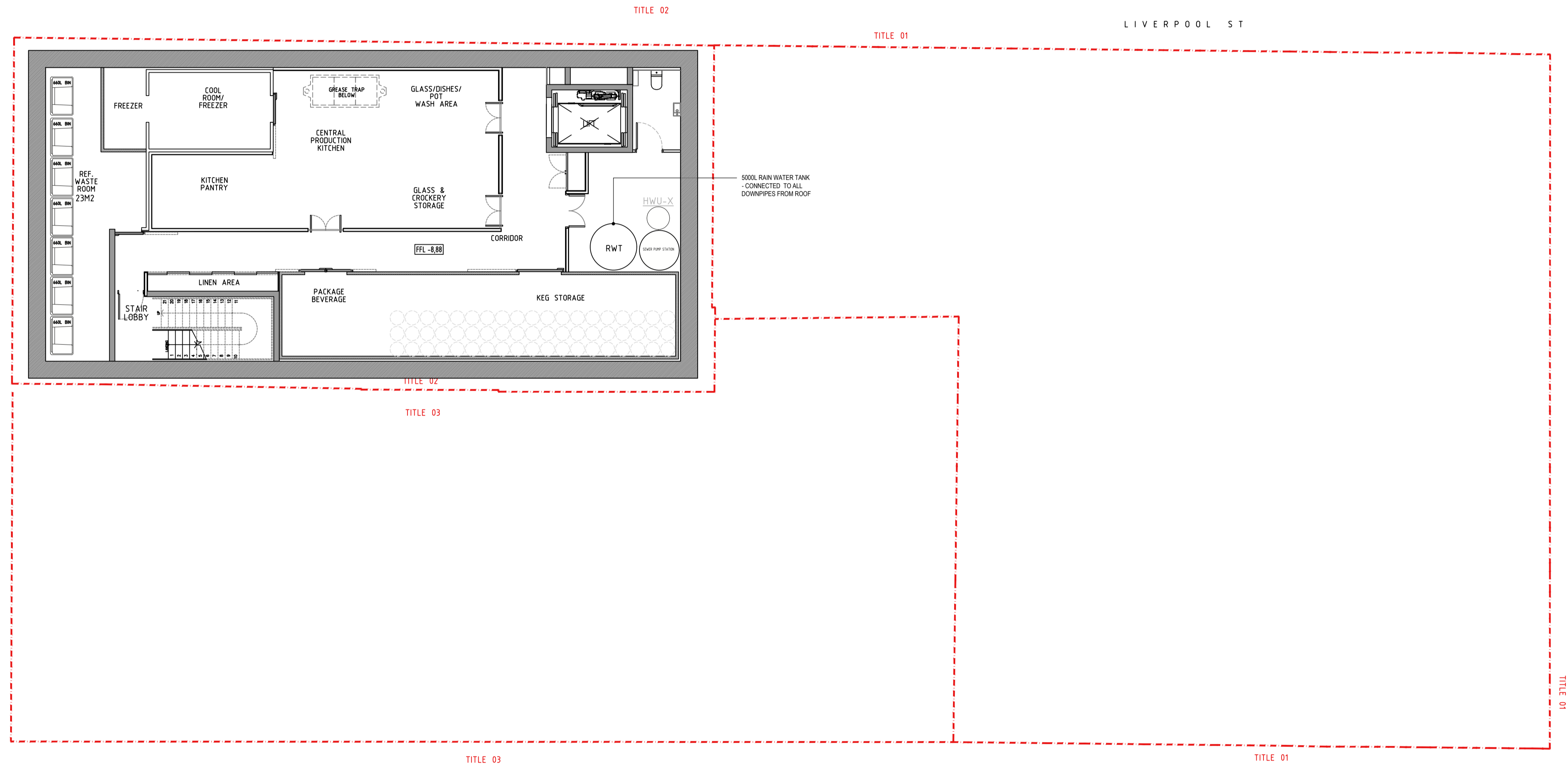
TOWN PLANNING -

PROJECT
 54-62 BOURKE STREET
 MELBOURNE, VIC, 3000

TITLE
 PROPOSED PLAN -
 BASEMENT 1 PLAN

DRAWN SCALE PLOT DATE JOB No.
 BP 1 : 100 @ A1 1032

DWG No. REVISION
 TP1002 04



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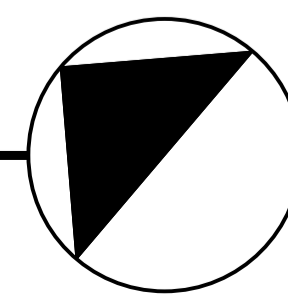
General Notes

- ALSO REFER TO SPECIFICATIONS AND SCHEDULES FOR ADDITIONAL INFORMATION INCLUDING:
- SCHEDULES
- | | | |
|------------|--------------------------|--------|
| A_SC_01000 | INTERNAL WALL SCHEDULE | WT.XX |
| A_SC_01100 | MATERIAL SCHEDULE | XX.XX |
| A_SC_01200 | FFE SCHEDULE | LF.XX |
| A_SC_01300 | LIGHTING SCHEDULE | LT.XX |
| A_SC_01400 | FACADE GLAZING SCHEDULE | |
| A_SC_01700 | DOOR SCHEDULE | DX.XX |
| A_SC_01800 | FACADE TYPE SCHEDULE | FT.XX |
| A_SC_03600 | SIGNAGE SCHEDULE | |
| A_SC_06400 | LOOSE FURNITURE SCHEDULE | XXX.XX |
- SPECIFICATION
- | | |
|---------------|---------------------------------|
| A_SP_02000 | EARLY WORKS SPECIFICATION |
| A_SP_02001 | TENDER SPECIFICATION |
| RL_XX.XXX | REDUCED LEVEL (AHD 83) |
| EX_RL_XX.XXX | EXISTING REDUCED LEVEL (AHD 83) |
| FFL_XX.XXX | FINISHED FLOOR LEVEL |
| EX_FFL_XX.XXX | EXISTING FINISHED FLOOR LEVEL |
| SFL_XX.XXX | STRUCTURAL FLOOR LEVEL |
| EX_SFL_XX.XXX | EXISTING STRUCTURAL SLAB LEVEL |
| CL_XX.XXX | CEILING HEIGHT |
| AHD | AUSTRALIAN HEIGHT DATUM |
- Legend:
- SITE BOUNDARY
 - WALL DEMOLITION
 - FLOOR DEMOLITION
 - EXISTING

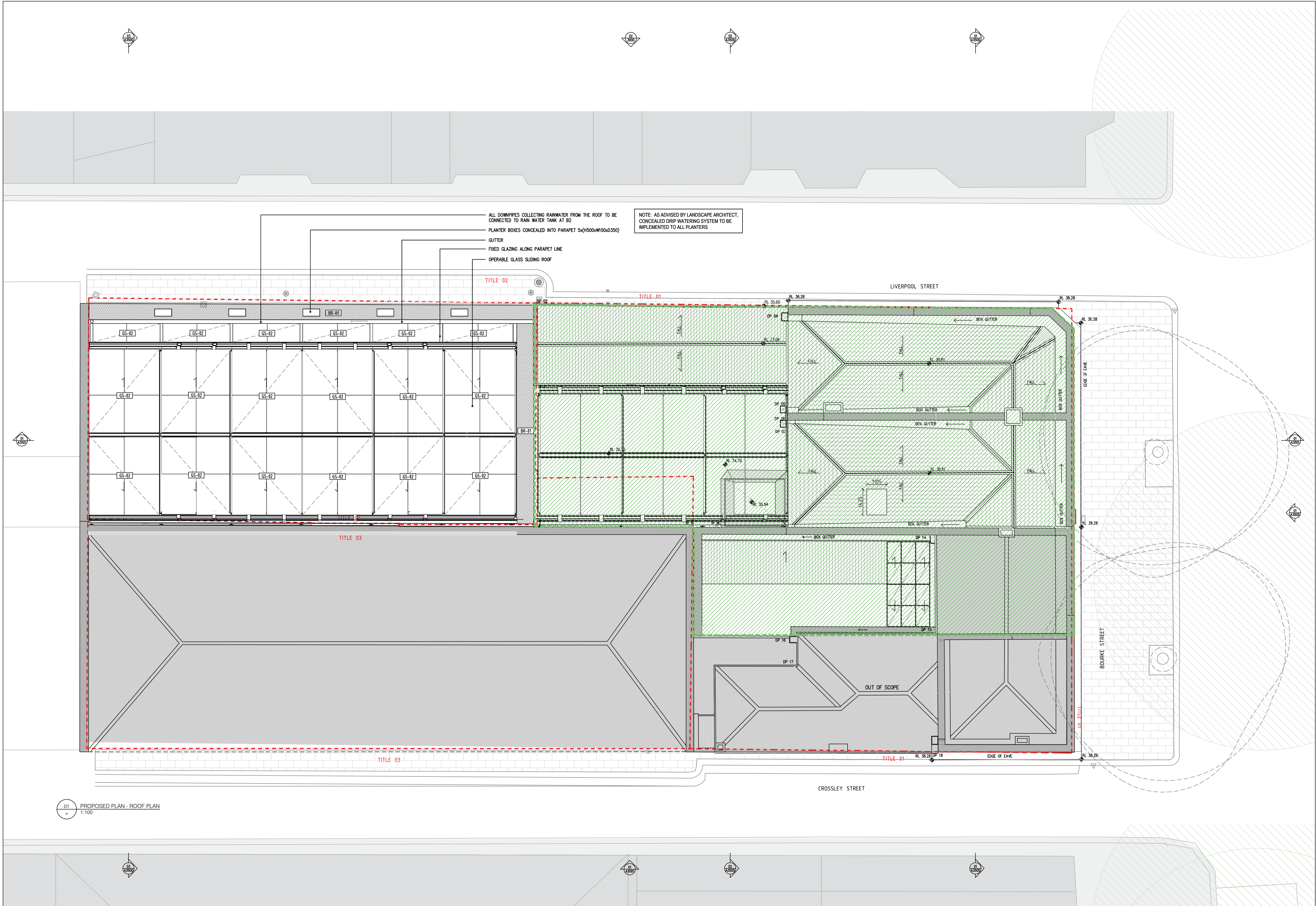
- DEMOLITION NOTES
- DETAILED WALKAROUND ON SITE WITH ARCHITECT AND HERITAGE CONSULTANT PRIOR TO DEMO
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01 PROPOSED PLAN - BASEMENT 02
 1:100

REV	DESCRIPTION	DRN	CHK	DATE
01	TP APPLICATION	MM		16.03.20
02	TP RESUBMISSION	BP		15.07.20
03	TP RESUBMISSION	BP		22.07.20
04	TP RESUBMISSION	BP		21.08.20
05	WMP AMENDMENTS	BP		16.10.20



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A.SC_06400	LOOSE FURNITURE SCHEDULE	XXX-XX

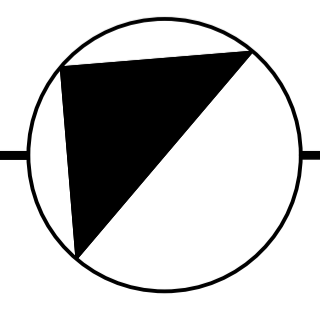
SPECIFICATION

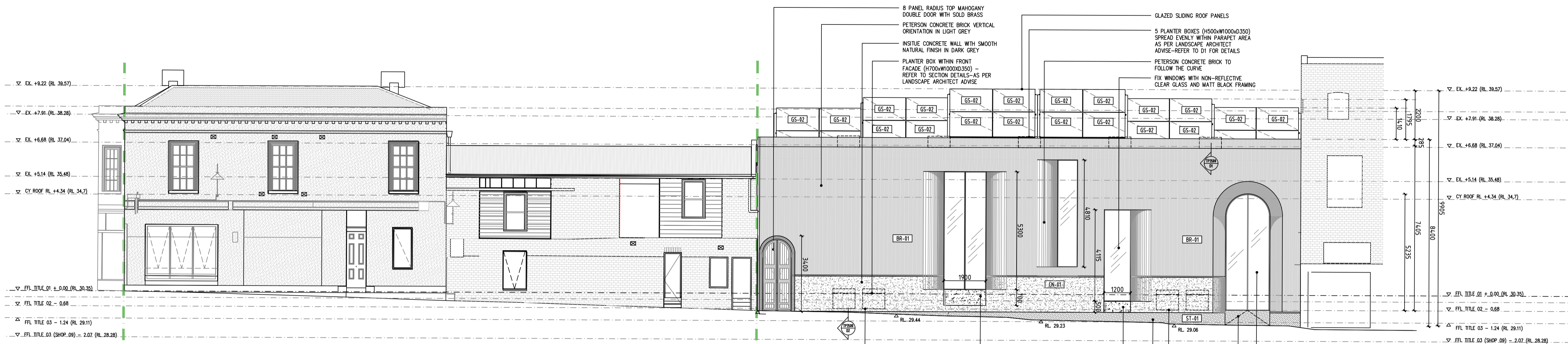
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AHD	AUSTRALIAN HEIGHT DATUM
- - -	SITE BOUNDARY
▨	WALL DEMOLITION
▨	FLOOR DEMOLITION
▨	EXISTING

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01 PROPOSED PLAN - ROOF PLAN
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REV	DESCRIPTION	DRN	CHK	DATE
01	TP APPLICATION	MM		25.02.20
02	TP RESUBMISSION	BP		15.07.20
03	TP RESUBMISSION	BP		25.08.20





FAÇADE TO BE RESTORED. AREA COVERED BY HERITAGE PERMIT

02 ELEVATION 02 - LIVERPOOL ST
1:100



03 ELEVATION 03 - CROSSLEY ST
1:100

- ### EXTERNAL FINISHES
- GS-2** OPERABLE GLASS ROOF WITH MATT BLACK METAL FRAMING
 - BR-1** PETERSON CONCRETE BRICKS STACKED VERTICALLY IN LIGHT GREY CONCRETE FINISH AND MATCHING MORTAR
 - CN-1** INSITUE CONCRETE WITH SMOOTH TREATED NATURAL FINISH IN DARK GREY
 - ST-1** VICTORIAN BLUESTONE MASONRY WALL IN NATURAL COLOUR LAYED IN HORIZONTAL PATTERN TO MATCH SURROUNDING HERITAGE AREA

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General Notes

Notes

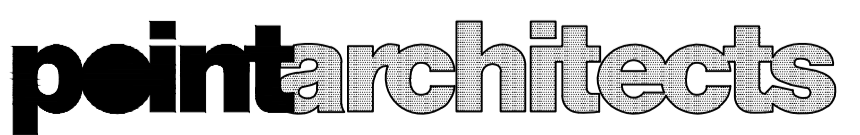
ALSO REFER TO SPECIFICATIONS AND SCHEDULES FOR ADDITIONAL INFORMATION INCLUDING:

SCHEDULES		
A_SC_01000	INTERNAL WALL SCHEDULE	WT.XX
A_SC_01100	MATERIAL SCHEDULE	XX.XX
A_SC_01200	FFE SCHEDULE	LF.XX
A_SC_01300	LIGHTING SCHEDULE	LT.XX
A_SC_01400	FAÇADE GLAZING SCHEDULE	
A_SC_01700	DOOR SCHEDULE	DX.X
A_SC_01800	FAÇADE TYPE SCHEDULE	FT.XX
A_SC_03600	SIGNAGE SCHEDULE	
A_SC_06400	LOOSE FURNITURE SCHEDULE	XXX.XX

SPECIFICATION

A_SP_02000	EARLY WORKS SPECIFICATION
A_SP_02001	TENDER SPECIFICATION
RL_XX.XXX	REDUCED LEVEL (AHD 83)
EX_RL_XX.XXX	EXISTING REDUCED LEVEL (AHD 83)
FFL_XX.XXX	FINISHED FLOOR LEVEL
EX_FFL_XX.XXX	EXISTING FINISHED FLOOR LEVEL
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EX_SFL_XX.XXX	EXISTING STRUCTURAL SLAB LEVEL
CL_XX.XXX	CEILING HEIGHT
AHD	AUSTRALIAN HEIGHT DATUM
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[Red Dotted Area]	WALL DEMOLITION
[Red Stippled Area]	FLOOR DEMOLITION
[Grey Area]	EXISTING

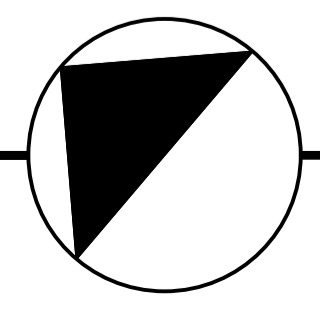
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 - CAREFULLY REMOVE ANY INTERNAL WALL LININGS THAT HAVE DISLODGED OR ARE FLAKING AWAY FROM THE WALLS. VOS EXTENT WITH ARCHITECTS



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REV	DESCRIPTION	DRN	CHK	DATE
01	TP APPLICATION	MM		25.02.20
02	TP RESUBMISSION	BP		15.07.20
03	TP RESUBMISSION	BP		21.08.20



TOWN PLANNING -

PROJECT
54-62 BOURKE STREET
MELBOURNE, VIC, 3000

TITLE
PROPOSED ELEVATIONS

DRAWN
BP

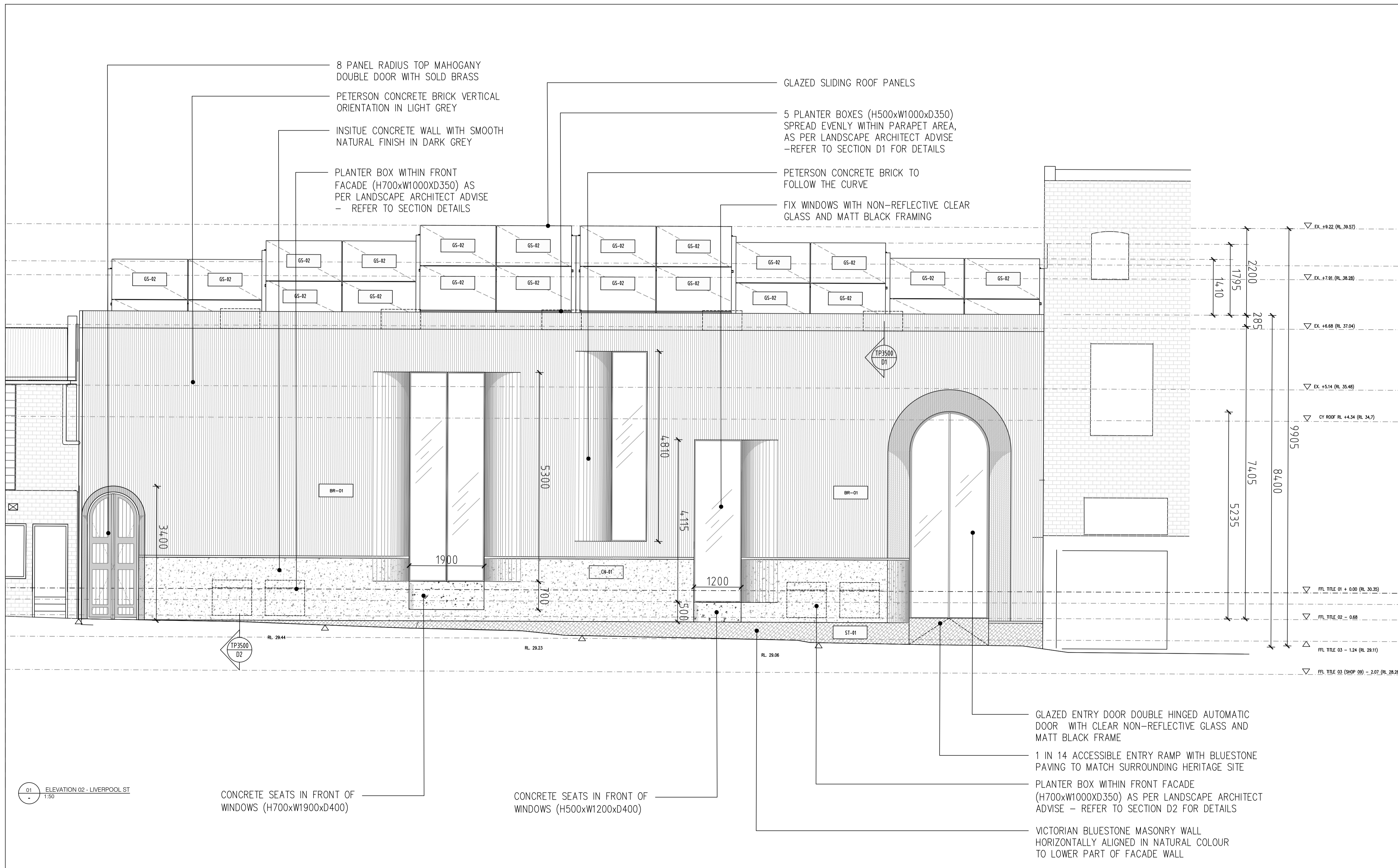
SCALE
1:100 @ A1

PLOT DATE
1032

JOB No.
1032

DWG No
TP3000

REVISION
03



- EXTERNAL FINISHES**
- GS-2** OPERABLE GLASS ROOF WITH MATT BLACK METAL FRAMING
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General Notes

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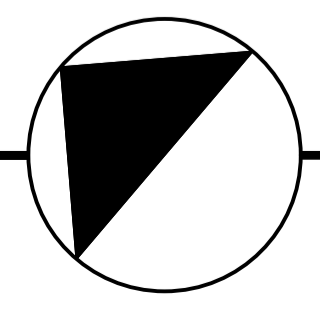
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CL_XX.XXX	CEILING HEIGHT
AHD	AUSTRALIAN HEIGHT DATUM
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---	WALL DEMOLITION
---	FLOOR DEMOLITION
---	EXISTING

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REV	DESCRIPTION	DRN	CHK	DATE
01	TP APPLICATION	MM		25.02.20
02	TP RESUBMISSION	BP		15.07.20
03	TP RESUBMISSION	BP		21.08.20



TOWN PLANNING -

PROJECT
54-62 BOURKE STREET
MELBOURNE, VIC, 3000

TITLE
**PROPOSED ELEVATIONS -
LIVERPOOL ST - STAGE 2**

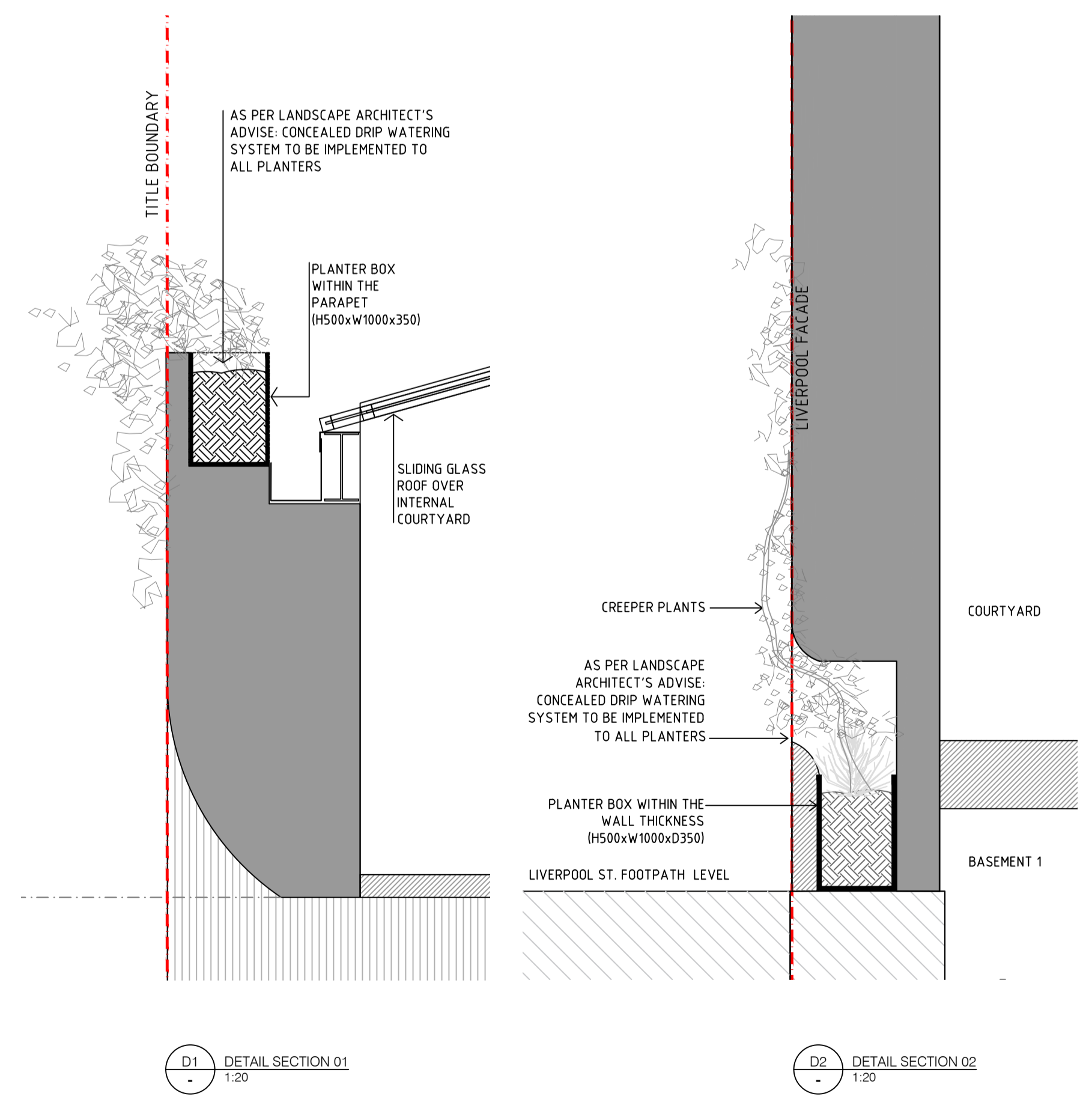
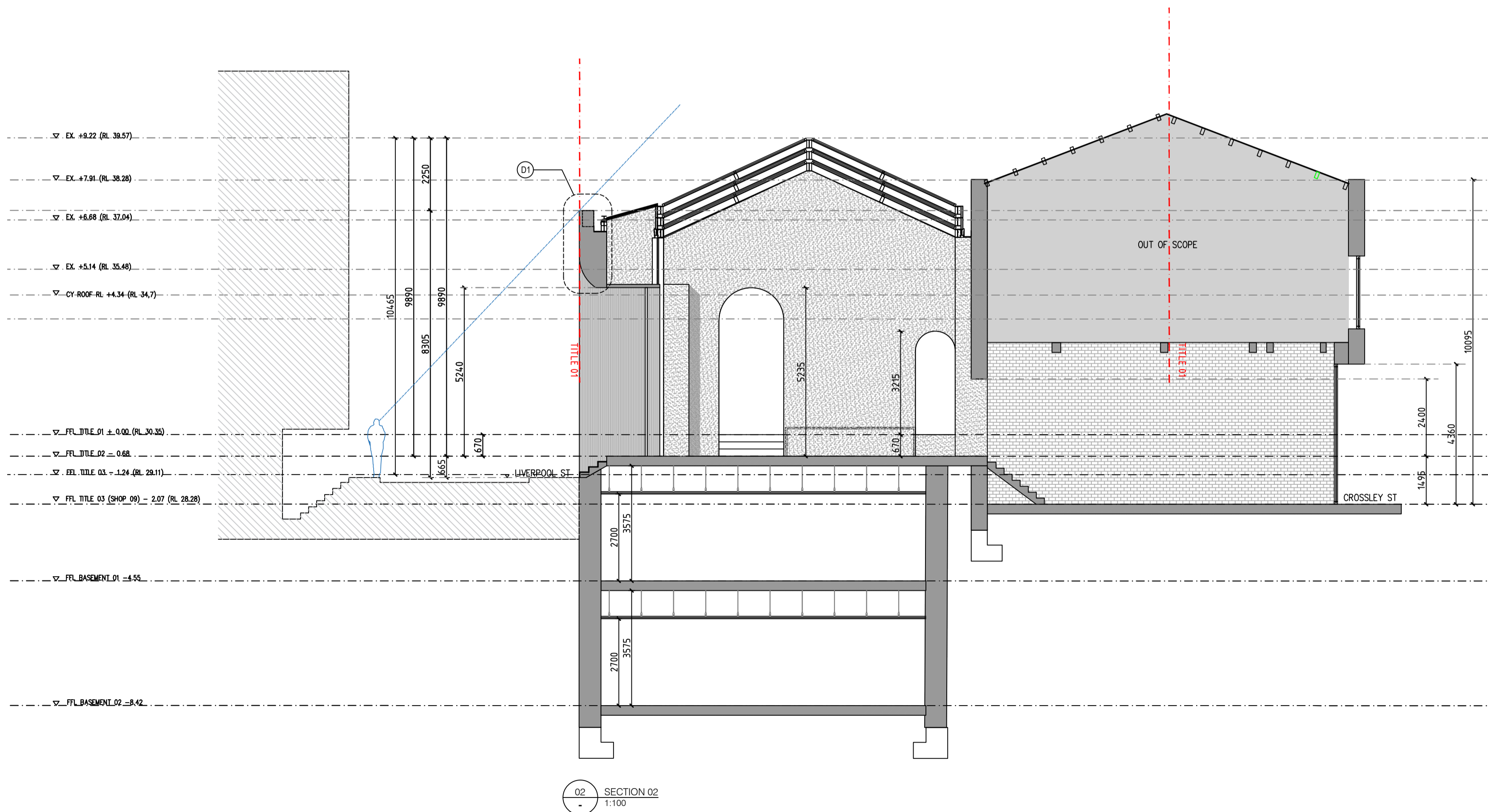
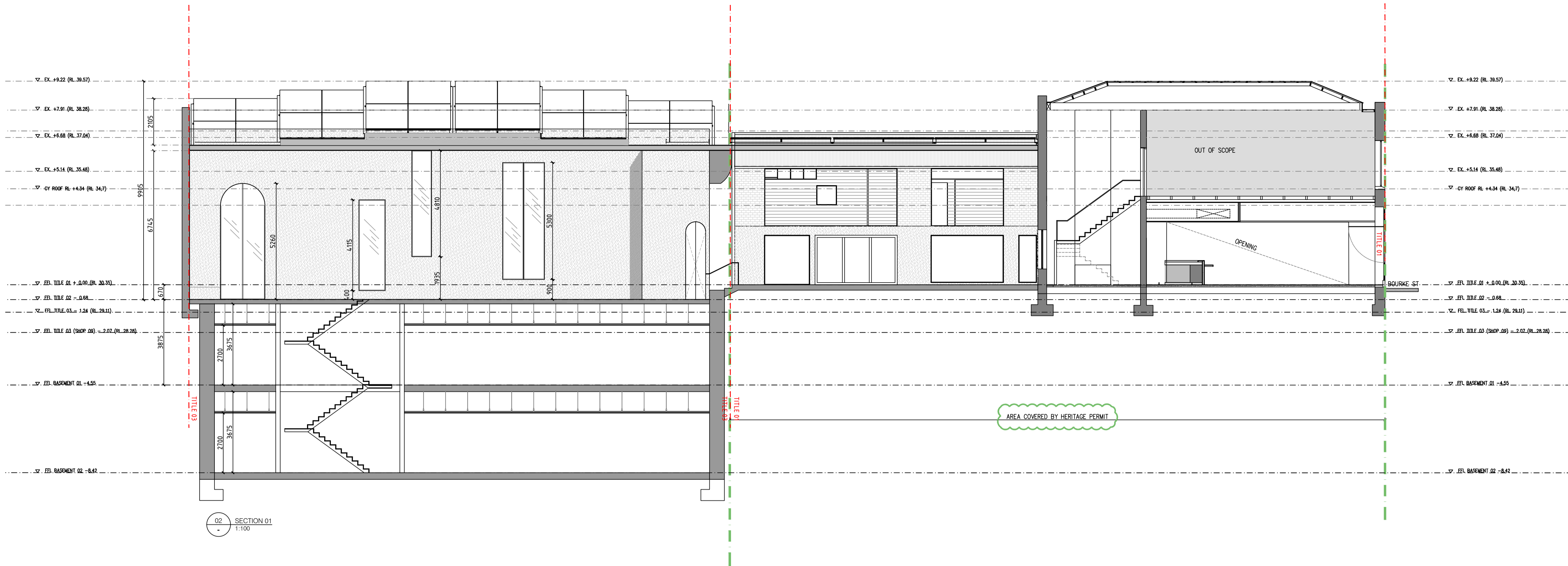
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PLOT DATE
JOB No.
1032

DWG No
TP3001

REVISION
03



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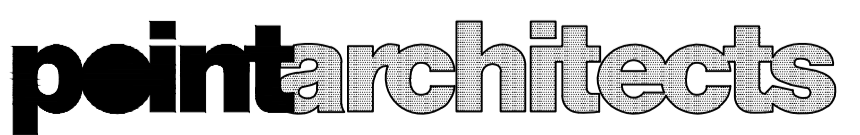
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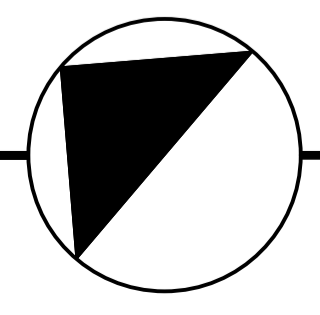
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02	TP RESUBMISSION	BP		15.07.20
03	TP RESUBMISSION	BP		25.08.20



TOWN PLANNING -

PROJECT
54-62 BOURKE STREET
MELBOURNE, VIC, 3000

TITLE
PROPOSED SECTIONS

DRAWN SCALE PLOT DATE JOB No.
BP 1:100 @ A1 1032

DWG No REVISION
TP3500 03

DELEGATE REPORT

PLANNING PERMIT APPLICATION

Application number:	TP-2020-274
Applicant	SJB Planning
Owner	O'Brien Group
Architect:	Point Architects
Address:	54 - 62 Bourke Street, 11 - 19 Liverpool Street and Shop 9, 10 - 26 Crossley Street, Melbourne
Proposal:	Demolition of existing buildings, construction of a new building, use of the land as a hotel and waiving of bicycle parking requirements
Cost of works:	\$4,890,000
Date received by City of Melbourne:	9 April 2020
Responsible officer:	Connor Perrott, Principal Urban Planner

1 SUBJECT SITE AND SURROUNDS

1.1 Subject site

The subject site is located on the north side of Bourke Street on the corner of Liverpool Street, Melbourne. Irregular in shape, the site comprises three parcels of land, being 54 - 62 Bourke Street (otherwise known as 'Jobs Warehouse'), 11 - 19 Liverpool Street and Shop 9, 10 - 26 Crossley Street.

Jobs Warehouse (also known as 'the Crossley Building') is a significant two-storey commercial building included on the Victorian Heritage Register (refer VHR No. H435). The related Statement of Significance reads:

The two-storey Crossley building is one of the oldest commercial buildings in the central city. It was built in 1848 - 49 for William Crossley, a noted early Melbourne butcher who maintained a slaughter yard nearby. The building is a rare example of pre-gold rush colonial Georgian style architecture in the central city and remains identifiably intact.

Four uncategorised single storey commercial buildings currently occupy 11 - 19 Liverpool Street and 10 - 26 Crossley Street accommodates a two-storey brick building comprising eight retail tenancies of which one the northern-most forms part of the application site.

Figures 1 and 2 overleaf show the Bourke Street and Liverpool Street frontages of the site respectively.



Figure 1: Jobs Warehouse, 54 - 62 Bourke Street (source: Google streetview)



Figure 2: 11 - 19 Liverpool Street (source: Google streetview)

1.2 Surrounds

To the east of the site, across Liverpool Street, stands a more recent part three, part six-storey mixed-use building. This building comprises a number of commercial tenancies at ground and semi-basement level along both its Bourke and Liverpool Street frontages. Above this, the building is used for residential purposes.

Behind this, at 16 - 22 Liverpool Street, stands an eight-storey mixed-use building. This building is also used for commercial purposes at ground level and residential purposes above.

To the north of the site, at 21 Liverpool Street, stands a late-Victorian three-storey warehouse. This warehouse was renovated and converted into a bar in 2006 ('Double Happiness'). A short distance beyond this is the Crossley Hotel. This hotel fronts Little Bourke Street and extends between Liverpool Street to the east and Crossley Street to the west.

To the west of this, across Crossley Street, stands the 23-storey Rydges Hotel. This hotel fronts Exhibition Street and is adjoined at the rear by a three-storey brick and concrete building used as a bar / restaurant ('Gingerboy'). This building, together with an adjacent two-storey commercial building, stand generally opposite the Crossley Street frontage of the subject site.

To the west of the site is a book shop ('The Paperback'). This bookshop occupies the western-most tenancy of Jobs Warehouse though is not part of the application site.

Figures 3 and 4 below and overleaf show the site and surrounding area in greater context, including the proximity of residential uses (both apartment buildings and hotels).



Figure 3: Aerial image showing extent of site
(source: application documents prepared by SJB Planning)



Figure 4: The site (in red) and nearby residential uses (blue). The site on the left hand side of this image is erroneously marked 'Crossley Hotel'. It is occupied by Rydges (source: application documents prepared by SJB Planning)

2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

Planning Officers and the Council's Heritage Consultant met with the applicant in late 2019 to discuss the merits of the proposed use and design detailing of the Liverpool Street wall. At this meeting officers expressed their in-principle support for both the use and wall. The management of the venue and proposed hours of operation were not discussed.

2.2 Planning application history

Heritage Victoria

As previously noted, Jobs Warehouse is included on the VHR and Heritage Victoria (HV) has previously issued a permit to alter the building (refer Permit P30284 issued 10 September 2019). The description of what this permit allows is:

The conversation, restoration and adaptation of the three shop premises at 54, 56 and 58 Bourke Street to operate as a restaurant and the undertaking of external conservation and restoration works to the exterior of the full extent of the registered place and the introduction of new openings in the rear Liverpool Street wing of 54 Bourke Street.

As it relates to Jobs Warehouse only, the approved alterations match those the subject of this application. HV Permit P30284 does not relate to either 11 - 19 Liverpool Street or Shop 9, 10 - 26 Crossley Street.

Importantly, the proposed land use (hotel) differs from that referenced on the HV permit (restaurant). Prior to the commencement of development and use, the applicant must ensure that any planning permit issued by Council matches that issued by HV.

The Victorian Commission for Gambling and Liquor Regulation

On 19 June 2020 Council received a request from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) for advice regarding an application it had received for a Late Night (General) Liquor License on site (refer LIQREF-2020-75). The hours alcohol would be served / consumed matched those that are the subject of this permit application.

On the basis it was considered these hours of operation may impact upon the general amenity of surrounding residents, Council objected to the VCGLR application. It was noted that the use of outdoor areas after 11pm and operation of the use after 1am was contrary to policy. It was also noted that the submitted acoustic report did not clearly demonstrate how noise generated by the use would be appropriately mitigated. In addition to this, Council advised that the site is located within a cluster of licensed premises and as such the use might cause cumulative adverse effects.

** Footnote - since the issuing of this advice in June, the permit application has been amended. This includes the open air use of outdoor areas to 10pm only (by way of the closure of the proposed retractable roof at this time) and the provision of altered acoustic and management measures.*

3 PROPOSAL

This application seeks approval to demolish the existing buildings occupying 11 - 19 Liverpool Street and to construct a single storey building in their place. This building would stand to a height of 9.9 metres and form part of a larger hotel together with Jobs Warehouse and Shop 9 of 10 - 26 Crossley Street.

This hotel would comprise a variety of internal and external boutique spaces including a bistro, wine bar / lounge, 'Little Courtyard' and 'Big Courtyard'. Together, these spaces would accommodate a maximum of 957 patrons within what the applicant describes as a 'rusted decay' themed interior. Figure 5 below shows the internal layout of the use in greater detail.

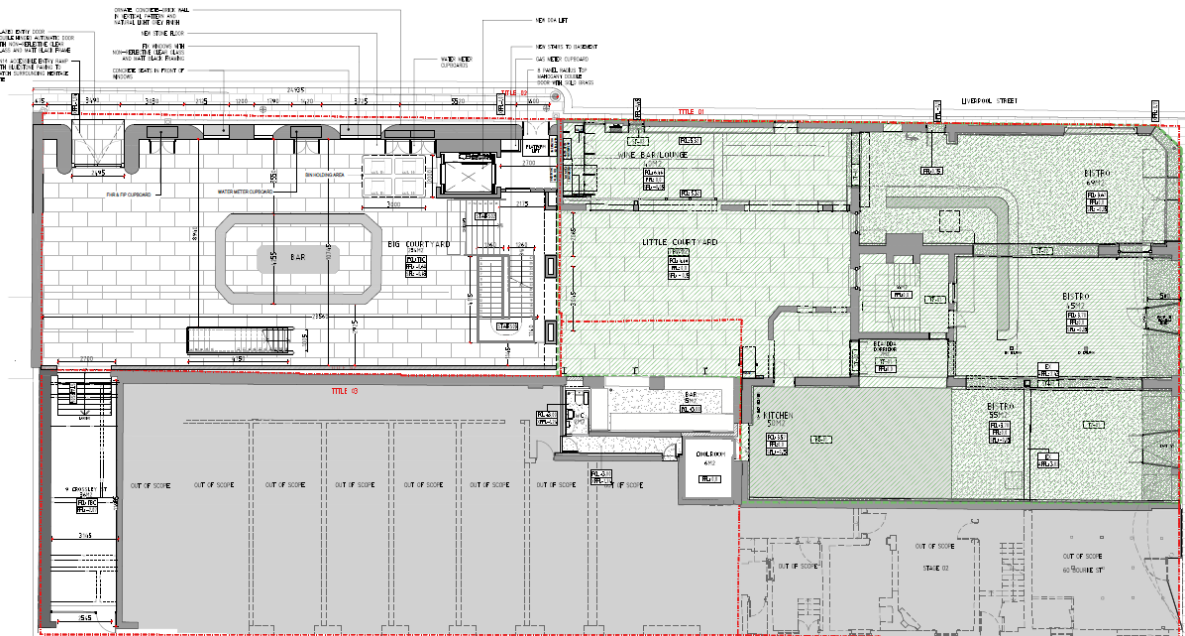


Figure 5: The internal layout of the hotel (source: application plans prepared by Point Architects)

The proposed Liverpool Street building would feature a decorative street wall comprising irregular openings, integrated seating and landscaping.



Figure 6: The Liverpool Street wall (source: application plans prepared by Point Architects)

This wall would enclose the Big Courtyard over which would extend a retractable glass roof. This roof would remain open during the day and evening (as weather permitted) and closed at 10pm each night.

The use would serve both food and drink throughout the day commencing at 7am. On a typical day the use would operate between 7am and 3am the following morning. On other days the use would operate between the following hours:

- Sundays - 10am and 3am the following morning.
- Good Friday and ANZAC Day - midday and 3am the following morning.

Entry / exit to / from the hotel would be via Bourke or Crossley Streets only after 10pm. Prior to this, entry / exit may also be obtained via a new access way off Liverpool Street.

In addition to this, alcohol could be purchased on site for consumption elsewhere between the following hours:

- Good Friday and ANZAC Day - midday and 11pm.
- Any other day - 10am and 11pm.

Storage, services and amenities would be provided at basement level below the Big Courtyard. This includes a central kitchen, keg store, refrigerated waste room and 5,000 litre rainwater tank. Figures 7 and 8 below and overleaf show the layout of the basement levels in greater detail.

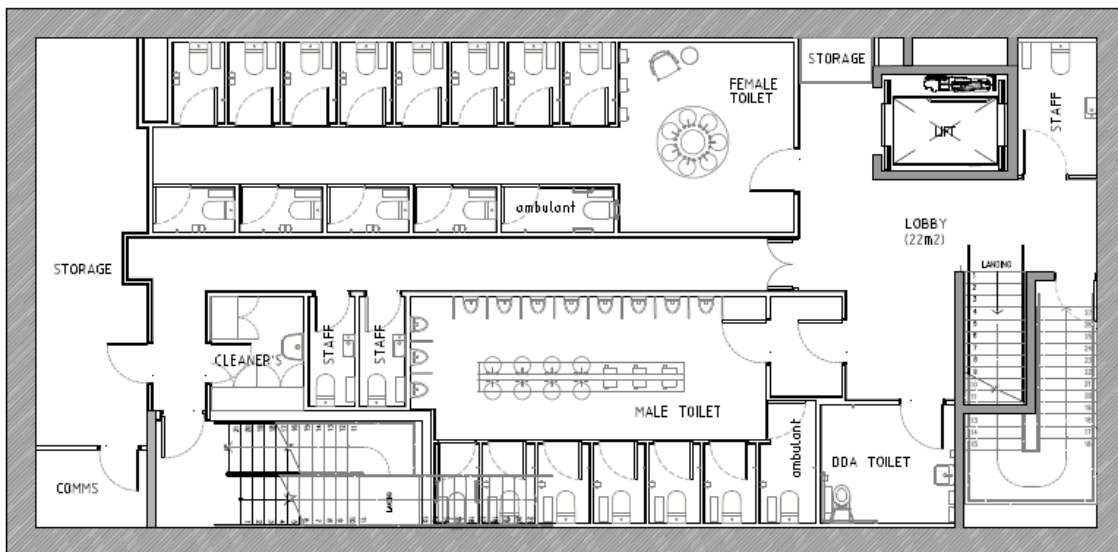


Figure 7: Basement Level 01 (source: application plans prepared by Point Architects).

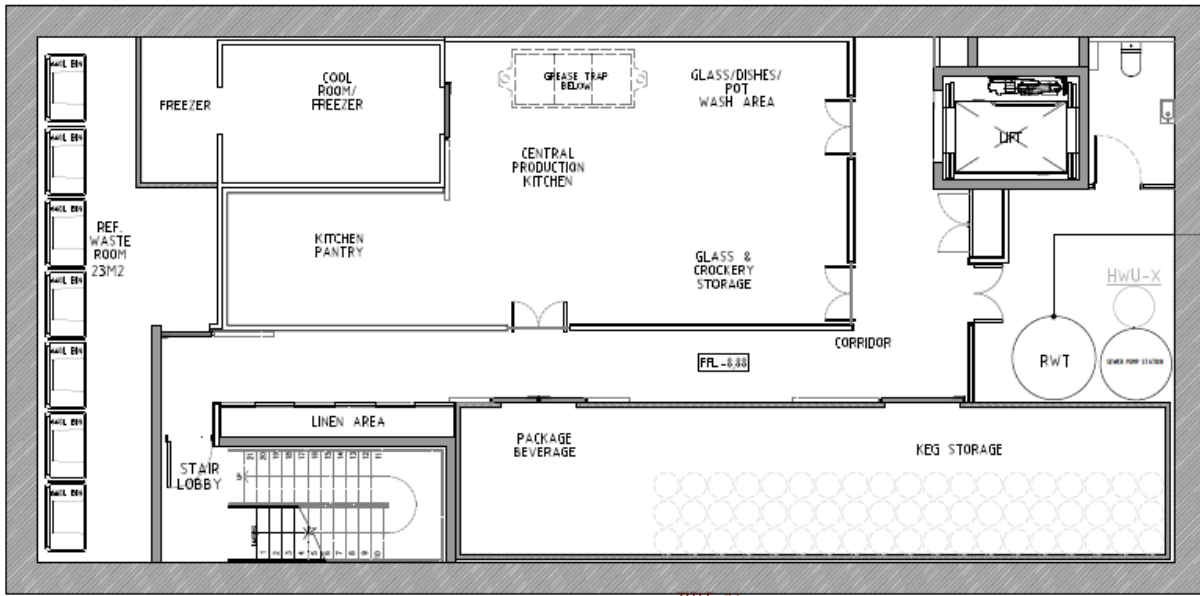


Figure 8: Basement Level 02 (source: application plans prepared by Point Architects)

4 STATUTORY CONTROLS

The following provisions of the Melbourne Planning Scheme apply.

Planning Policy Framework:	Clause 11 - Settlement Clause 13 - Environmental risks and amenity Clause 15 - Built environment and heritage Clause 17 - Economic development Clause 18 - Transport
Municipal Strategic Statement:	Clause 21.06 - Built environment and heritage Clause 21.08 - Economic development Clause 21.09 - Transport Clause 21.12 - Hoddle grid
Local Planning Policies:	Clause 22.01 - Urban design within the Capital City Zone Clause 22.02 - Sunlight to public spaces Clause 22.04 - Heritage places within the Capital City Zone Clause 22.19 - Energy, water and waste efficiency Clause 22.23 - Stormwater management (Water Sensitive Urban Design)

Statutory Controls	
Clause 37.04 - Capital City Zone, Schedule 1 (CCZ1)	<p>This clause states that a permit is required to demolish a building and to construct a building/construct or carry out works.</p> <p>Importantly, Clause 3.0 states that a permit is not required for building works authorised in accordance with the <i>Heritage Act</i>. This is however subject to the floor area of the host building not being increased and its envelope not being altered.</p> <p>On the basis the alterations to Jobs Warehouse were previously authorised in accordance with the <i>Heritage Act</i> and the approval does not allow additional floor space or alterations to the building envelope, a permit is not required for works to Job Warehouse in accordance with the provisions of this zone.</p> <p>Insofar as the use of the site is concerned, Schedule 1 states that a permit is required to operate a 'hotel' in this zone.</p>

	<p>In accordance with the provisions of the CCZ, a permit is required to demolish buildings / works at 11 - 19 Liverpool Street and Shop 9, 10 - 26 Crossley Street, to construct the proposed replacement building and to operate a new hotel from the site, including Jobs Warehouse.</p>
<p>Clause 43.01 - Heritage Overlay</p>	<p>On the basis it is included on the VHR, Jobs Warehouse is subject to a site specific HO (No. 532). In accordance with Clause 43.01-3 'a permit is not required to develop a heritage place which is also included on the VHR.'</p> <p>Given this, planning approval is not required for the alterations previously approved by HV Permit P30284.</p> <p>The remainder of the site (11 - 19 Liverpool Street and Shop 9, 10 - 26 Crossley Street) is located within the bounds of HO500 (Bourke Hill Precinct). In accordance with Clause 43.01-1, a permit is required to demolish buildings / works occupying these sites and to construct new buildings / works.</p> <p>Permit required</p>
<p>Clause 43.02 - Design and Development Overlay (Schedules 1 (Area 2), 3 and 62)</p>	<p>In accordance with Clause 43.02-2, a permit is required to construct a building / construct or carry out works unless a relevant schedule specifies otherwise.</p> <p>Schedule 1 (Active street frontages) applies to all street frontages of the site.</p> <p>This schedule states that new buildings fronting major pedestrian areas (the three street fronts of the site) must include an attractive pedestrian oriented frontage comprising an entry or display window no less than five metres wide or 80% of the width of the street front (whichever is greater). Alternatively, other activities such as customer service areas no less than five metres wide or 80% of the width of the street front (whichever is greater) may also be provided.</p> <p>Schedule 3 (Traffic conflict frontage - Capital City Zone) applies to Bourke Street only.</p> <p>In accordance with the provisions of this schedule, a permit is required to construct buildings / works associated with a new vehicle access point only. On the basis no such buildings / works are proposed, this schedule does not apply.</p> <p>Schedule 62 (Special Character Areas - Built form (Bourke Hill)) states that a maximum permissible building height of 15 metres applies here.</p> <p>The proposed building would stand to a height of 9.9 metres only.</p> <p>Though the schedule states a permit is not required for buildings / works at ground level, a permit is required where existing setbacks are altered, as is the case here along the Liverpool Street frontage.</p> <p>Permit required</p>
<p>Clause 45.09 - Parking Overlay</p>	<p>This overlay specifies, by area and use, car parking requirements.</p> <p>The site is located within the bounds of Schedule 1 (Capital City Zone - Outside the retail core) where maximum parking rates apply. These rates are calculated as follows:</p> $\frac{5 \times \text{net floor area of buildings on site in m}^2}{1000 \text{ m}^2}$ <p>On the basis the total floor area of the use (including basement levels) would be 1,071 square metres, a maximum of five car parking spaces may be provided on site.</p> <p>Car parking facilities will not be provided and as such the application complies with the provisions of this clause.</p>

	No permit required
Particular Provisions	
Clause 52.27 - Licensed premises	<p>The objectives of this clause are:</p> <ul style="list-style-type: none"> ▪ <i>To ensure that licensed premises are situated in appropriate locations;</i> ▪ <i>To ensure that the impact of a licensed premises on the amenity of the surrounding area is considered.</i> <p>Though a permit is not required to serve / consume alcohol in this case, the provisions of this clause apply to <i>any</i> premises which is to be licenced in accordance with the <i>Liquor Control Reform Act 1998</i>.</p>
Clause 52.34 - Bicycle Facilities	<p>The following bicycle parking rates apply:</p> <ul style="list-style-type: none"> ▪ One employee and one patron space for every 25 square metres of bar floor area available to the public; and ▪ One employee and one patron space for every 100 square metres of lounge floor area available to the public. <p>Given the use would comprise 387 square metres of bar floor area and 169 square metres of lounge floor area, 19 employee and 19 patrons spaces are required on site.</p> <p>On the basis no bicycle parking facilities would be provided, a permit is required to waive the 38 spaces required by this clause.</p>
General Provisions	
Clause 65 - Decision Guidelines	This clause sets out the matters to be considered when determining a planning permit application. This includes Section 60 of the <i>Planning and Environment Act 1987</i> .
Clause 66.03 - Referral of permit applications under other state standard provisions	Though in accordance with this clause an application to operate a bar, hotel or nightclub after 1am must be referred to the VCGLR in its capacity as a determining referral authority, given a permit is not required to serve / consume alcohol in this case, no such referral is required.
Clause 66.05 - Notice of permit applications under state standard provisions	<p>Though in accordance with this clause notice of an application to operate a bar, hotel or nightclub after 1am must be sent to the Chief Commissioner of Victoria Police, given a permit is not required to serve / consume alcohol in this case, this notice is not required.</p> <p>Notwithstanding this, informal discussions were held with a representative of Victoria Police during the assessment process. No formal comments were subsequently received.</p>

5 PLANNING SCHEME AMENDMENTS

In addition to the preceding policies, Amendment C308 (Urban Design in the Central City and Southbank) is also of relevance. This amendment was adopted by Council on 26 November 2019 and as such is considered to be seriously entertained.

The amendment seeks to introduce new urban design policies (Schedule 1 to the DDO) into the Melbourne Planning Scheme along with an illustrative guide detailing built form objectives.

The overarching objective of the amendment is to improve the quality of design and development in the central city and Southbank.

6 PUBLIC NOTIFICATION

It was considered that the proposed development may cause third parties material detriment. As such, on 27 April 2020 notice of the original application was sent to the owners and

occupiers of surrounding commercial and residential properties. A public notice was also placed on site on 28 April.

Notice of the amended application upon which this assessment is based was sent to the same surrounding property owners / occupiers on 17 September. A public notice was again placed on site on 18 September.

6.1 Objections

92 objections were received in response to the original application. The concerns of objectors were:

Land use / venue management

- The previous exemption granted by the Minister for Consumer Affairs to allow alcohol to be served / consumed on site until 3am undermines Council's assessment of this aspect of the application,
- The description of the proposed use (hotel) is misleading. For the most part the venue will operate as a bar / tavern.
- The application represents the further proliferation of licensed premises in this area (now 38).
- Queueing to enter the venue should be contained within the Crossley Street entrance / passageway and not along surrounding streets.
- After 11pm, patrons should exit onto Bourke Street only and not Liverpool or Crossley Streets. Both these streets accommodate noise sensitive uses.
- The maximum number of patrons proposed on site is excessive.
- The use may cause anti-social behaviour along surrounding streets, including drug use and violence.

Amenity impacts

- The noise generated by the use would impact upon the general amenity of surrounding residents, as well as their sleep, health and well-being.
- The applicant's own acoustic report concludes that the 'maximum noise levels from night-time activities will exceed the nominated sleep disturbance criteria between 10pm and 11pm.
- The roof must be fixed and not retractable. This would assist in limiting the transfer of noise to surrounding properties throughout the day and evening.
- Light spill through the glazed retractable roof would disturb the sleep of surrounding residents.
- The noise generated by the use would render the balconies of adjacent apartments unusable and prevent residents from opening windows to naturally ventilate habitable rooms.
- The proposed hours of operation are excessive and would again impact upon the general amenity of surrounding residents. The use should cease operations at 1am in accordance with policy.
- Though the use may cease at 3am, patrons would not necessarily disperse at this time.
- It is likely patrons will congregate and smoke along Liverpool Street to the detriment of surrounding residents.
- The proposed use should not generate off-site impacts greater than the uses it would replace.

Built form

- The proposed building would not adequately complement the built form and heritage qualities of the surrounding area.
- A finer grain street wall presentation would better respond to the traditional subdivision pattern that existed along Liverpool Street.

- The proposed building does not sufficiently activate the Liverpool Street frontage of the site. The existing restaurants to be demolished currently provide this activation.
- The landscaping to be incorporated into the Liverpool Street wall would not add significantly to the character or amenity of the streetscape.

Parking and access

- The development would create both pedestrian and traffic congestion along Liverpool Street.
- Staff bicycle and motorcycle parking spaces should be provided on site.
- If allowed, conditions should be included upon the permit ensuring deliveries to the site and waste collections are carried out during business hours only.
- Given the size of the venue, waste collections will likely be frequent and this must be appropriately managed. If not, waste collection arrangements will further impact upon the general amenity of the area.
- Delivery vehicles must be appropriately managed so as to ensure access to surrounding residential properties is not restricted.

Miscellaneous

- The extent of notice given to surrounding property owners/occupiers was insufficient.
- The documentation submitted in support of the application does not accurately describe the development and is inconsistent. This includes the fact the acoustic report refers 141 patrons only being on site at any one time. The acoustic report also makes reference to a basement bar and no such space is proposed.
- The proposed use is not consistent with the existing HV permit allowing the redevelopment of Jobs Warehouse. This permit references a restaurant, not a hotel as now proposed.
- The loss of the existing successful and vibrant restaurants on site and the construction of a large scale drinking venue in their place will undermine the community feel of Liverpool Street.
- Local infrastructure and services could not sustain a use of this scale and intensity.

Though objectors also raised concerns regarding impacts upon the viability of surrounding businesses, this is not a planning-related matter.

In response to the amended application documents upon which this assessment is based, 46 objections were received. The *additional* concerns of objectors are:

Land use

- Notwithstanding the exemption previously granted by the Minister for Consumer Affairs, the proposed use would not add to the cultural importance of Jobs Warehouse.
- There is a clear link between late night drinking venues such as this and anti-social behaviour / violence.
- Given current health concerns a use of this nature should be considered carefully. Smaller scale venues may be more appropriate in the future.
- Consideration should also be given to reducing the capacity of the venue or subdividing it internally into a series of smaller spaces.
- The use should cease at 11pm each night.

Amenity impacts

- Live music should not be permitted until such time as it can be demonstrated that the use will not impact upon the general amenity of the surrounding area.
- Proposed crowd control measures are inadequate and will not assist in safeguarding the general amenity of local residents.
- The integrated seating added to the Liverpool Street wall will encourage patrons to loiter, exacerbating amenity impacts, including by way of noise and smoke.

- The odours generated by the use and waste storage will impact upon the general amenity of the immediate surrounding area.
- Deliveries to the site will impact upon the general amenity of the area.

Built form

- The demolition of the existing buildings on site will detract from the quirky and eccentric character of Liverpool Street.
- Though improved, the presentation of the Liverpool Street wall will still detract from the character of the street.

Access and waste

- Deliveries must be appropriately regulated and not impinge upon surrounding owners' / occupiers' rights to access their properties.
- The Waste Management Plan (WMP) will not adequately cater for the volume of rubbish generated by the use.

Response to previous objections

- The proposed amendments do not address the key concerns previously raised by objectors, including the impact of the use upon the general amenity and sense of safety / security of the surrounding area.

Miscellaneous

- The submitted acoustic report still does not correctly reference the proximity of surrounding residential uses.
- The use would necessitate physical alterations to surrounding apartments to prevent the transfer of noise from the site. This might include the installation of acoustic glazing and mechanical ventilation.
- Those who support the application do not reside in the surrounding area and therefore will not be exposed to the impacts of the use.

** Footnote: In addition to these objections, and in response to the amended plans upon which this assessment is based, one objection to the original proposal was withdrawn.*

6.2 Support

Three letters of support were also received in response to the original application. Supporters stated:

- The development will assist in improving safety in the immediate surrounding area.
- The proposed use will bring life and activity to Liverpool Street.
- The existing buildings on site are in need of redevelopment.
- The proposed addition is well suited to the heritage character of the area.
- Local residents have previously made it difficult to successfully operate commercial uses from this site.

7 REFERRALS

7.1 Acoustic consultant

The acoustic report and Venue Management Plan (VMP) submitted in support of the original application were referred to an external acoustic consultant for review. The acoustic consultant advised (summarised):

- The acoustic report accurately documents expected patron, music and mechanical noise levels.
- The VMP should be updated to ensure consistency with the measures set out in the acoustic report. This includes with regard to the characterisation of the use. This is perhaps best described as a 'tavern with significant food offering'.

- The closure of the retractable roof would likely ensure adherence to patron noise standards. Ideally, this roof would be closed at 10pm and not 11pm as proposed.
- Patron noise may also be regulated by way of the provision of seating. Typically, standing patrons generate more noise than those seated.
- Conditions should be included upon any permit issued addressing patron, music and mechanical noise. This includes a revised VMP setting out revised patron noise guidelines.

The comments and recommendations of the acoustic consultant are discussed further below.

7.2 Urban Design

The original application was referred to Urban Design who provided the following comments (summarised):

- The Liverpool Street frontage of the proposed building is enclosed and reduces the attraction and activation of the streetscape.
- This frontage would not allow for the passive surveillance of either the Big Courtyard or, conversely, Liverpool Street.
- As a concept, the Big Courtyard does not give regard to its context.
- The Big Courtyard represents a missed opportunity to engage with Liverpool Street. This engagement is critical though must be balanced against the need to preserve the amenity of adjacent residents.
- Neither the architectural elements of the Liverpool Street wall or its presumed finishes relate to the surrounding area. A more modern expression of the Melbourne warehouse theme is preferred or perhaps even a contemporary interpretation of the heritage qualities of the area.
- The entry / exit point along Crossley Street will contribute positively to the permeability and connectivity of the surrounding street network.

In response to these comments, the applicant submitted the amended plans upon which this assessment is based. In response to these amended plans, Urban Design advised (summarised):

- Discrepancies exist between the submitted plans and aspirational images and as such further information is required with regard to the precise presentation of the Liverpool Street wall. This includes sections taken through its various openings to better understand how it curves and transitions to outdoor seating elements.
- Further information is also required with regard to the materials to be used and the transitions between each (including from concrete brick to smooth concrete).
- Entry into the building off Liverpool Street would be via a ramp. Given the level differences which exist between the street and site a seven metre long ramp would be required. It is unclear if space exists for this. If a DDA compliant ramp cannot be provided the steps originally proposed should be reinstated. Access to the building for persons with limited mobility may still be obtained via an alternate entry / exit a short distance to the south.
- Native species should be incorporated into the landscape treatment of the Liverpool Street wall. A mix of climbers, creepers and natives would be relevant in this context. Small Leaved Clematis and Snake Vine might be appropriate.
- Operable mesh should be provided across the planter gaps of the wall to create added visual interest in the event plantings fail in the future. This mesh should be finished to match the steel frame of the roof and matt black finish of the windows and its spacings should be large enough for plants to grow through but small enough to deter the placement of foreign objects (such as litter).

7.3 Heritage

The original application was referred to the Council's Heritage Consultant who provided the following comments (summarised):

- The existing buildings on site do not contribute to the significance of the area.
- The Liverpool Street frontage of the proposed building offers an authentic quality and materiality commensurate with finishes originally used in this area.
- The street wall of the building is sufficiently activated and is acceptable in this heritage setting.

In response to these comments, the applicant submitted the amended plans upon which this assessment is based. In response to these amended plans, the Heritage Consultant advised:

- The altered window openings and integrated seating now proposed increase the extent of activation along the Liverpool Street frontage and complement the character and appearance of the surrounding heritage area.

7.4 Waste

The original application was referred to Council's Waste Officer who provided the following comments (summarised):

- A bin holding room large enough to accommodate four 660 litre bins must be provided within the curtilage of the site at ground floor level.
- The Waste Management Plan (WMP) and application plans must be amended to show this bin store.

In response to these comments, the applicant submitted the amended plans upon which this assessment is based. In response to these amended plans and associated revised WMP, the Waste Officer advised (summarised):

- Waste will now be collected from Bourke Street. This is preferred to Liverpool Street given collections here would likely impede access to surrounding residential and commercial properties.
- The revised WMP is satisfactory.

7.5 ESD and Green Infrastructure

The original application was referred to the Council's ESD and Green Infrastructure Officer who provided the following comments (summarised):

- The documentation submitted in support of the application satisfies the requirements of Clause 22.23.
- A response to the requirements of Clause 22.19 remains outstanding. A BESS assessment is perhaps the most appropriate assessment tool for a development of this nature.

In response to these comments, the applicant submitted the amended plans upon which this assessment is based. In response to these amended plans, the ESD and Green Infrastructure Officer advised (summarised):

- Subject to minor alterations, the development would satisfy the requirements of Clauses 22.19 and 22.23.
- The energy targets of the development are acceptable. These targets are 10% above NCC requirements and lighting power density will be improved by 20%.

7.6 Landscape

The amended plans upon which this assessment is based were referred to the Council's Landscape Officer who welcomed the proposed treatment of the Liverpool Street wall.

8 ASSESSMENT

The key issues for consideration are:

- The correct definition of the proposed use.
- The impact of the development upon the general amenity of the immediate surrounding area.

- The appropriateness of the design detailing of the Liverpool Street wall.

8.1 Land use

Objectors have questioned if the proposed land use accurately reflects the activities that will be carried out on site. Objectors have stated that the use is perhaps best defined as a 'bar' and not a 'hotel'.

In accordance with Clause 73.03 (Land use terms), a bar is defined as:

Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines and gambling.

Clause 73.03 defines a hotel as:

Land used to sell liquor for consumption on and off the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines and gambling.

Whereas as a bar does not allow for the consumption of alcohol off site, a hotel does and this is a key distinction in this case. To this end, patrons will be permitted to purchase alcohol and consume it elsewhere in much the same way as a bottle shop may operate.

Importantly, this is an element of the proposed use only and not a defining one. The use would primarily serve food and drink for consumption on the premises and it is recommended that a suite of operational conditions be included upon any permit issued ensuring this. These measures will not only narrow the range of activities that may be carried out on site but also assist in addressing objectors concerns regarding potential amenity impacts (refer discussion overleaf).

The use will not include accommodation or amusement / gambling machines as otherwise permitted in accordance with the aforementioned definition of a hotel though will, in all other respects, operate in accordance with this definition.

8.2 Amenity impacts

Policy

Though a permit is not required to sell and consume alcohol on site, the provisions of Clause 52.27 (Licensed premises) nevertheless apply. As such, the stated decision guidelines of this clause must be considered. These are:

- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area;*
- *The impact of the hours of operation on the amenity of the surrounding area;*
- *The impact of the number of patrons on the amenity of the surrounding area; and*
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

In addition to this, consideration must also be given to the provisions of Clause 22.22 (Policy for licensed premises that require a planning permit). This policy applies where a permit is required to operate hotel in the CCZ, as is the case here.

The objectives of this clause are:

- *To identify appropriate locations and trading hours for licensed premises;*
- *To manage the operation of licensed premises to minimise adverse impacts on the amenity of the area and maintain the positive character, image and function of the city; and*
- *To ensure that the cumulative impacts of licensed premises are assessed where venues are clustered in the one location.*

Importantly, Clause 22.22-1 recognises that licensed premises are a key component of a 24-hour city and that smaller venues in particular contribute to this. These venues are defined as those accommodating less than 100 patrons.

In accordance with Clause 22.22-3 it is policy that:

Noise -

- *The licensed premises should be operated to ensure that noise emissions...:*
 - *Will not have an unreasonable impact on the amenity of the surrounding area;*
 - *Comply with the standards as specified in the State Environmental Protection Policies; and*
 - *Are regulated and monitored, making use of noise limiters where appropriate.*
- *Where noise attenuation measures are required (ie. Limiters) these should be installed by a suitably qualified person to prevent the attenuation measures being easily tampered with or altered;*
- *Noise impacts associated with waste management and bottle crushing should be minimised by incorporating measures such as:*
 - *On site storage of waste;*
 - *The use of on-site bottle crushers within noise proof enclosures; and*
 - *Limiting waste collection before 7am and after 9pm or earlier when licensed premises are closed.*

In addition to this, Clause 22.22-3 states:

- *'The maximum number of patrons permitted on site should be limited to manage amenity impacts; and*
- *Any application to serve / consume alcohol beyond preferred hours will only be supported where it is considered this will not impact upon the general amenity of the surrounding area.'*

Policy also states that in the CCZ hotels should not operate beyond 1am and that in noise sensitive areas (such as this) alcohol should not be served / consumed in outdoor areas after 11pm.

Clause 22.22-5 states that when determining an application consideration must be given to:

- *Zoning and use of the land;*
- *Site characteristics;*
- *Nature and use of surrounding land including:*
 - *Proximity of the site to sensitive uses;*
 - *Proximity of the site to other licensed premises including details of the nature of licensed premises, their hours of operation and maximum patron numbers;*
- *The location of doorways, windows and other noise sources on the premises with respect to nearby residential properties;*
- *Location of outdoor areas to be used in association with the licensed premises, including outdoor smoking areas, beer gardens and terraces;*
- *Specific nature of the proposed use including details of activities and entertainment to be provided;*
- *Proposed hours of operation;*
- *The number of patrons likely to be on the premises at any time;*
- *Potential effect of the use on the amenity of the surrounding area including the ability to comply with relevant noise standards and whether noise attenuation measures are required;*
- *Whether bottles and waste are able to be stored within the premises until 7.00am and the adequacy of removal arrangements;*
- *Availability of sufficient car parking;*
- *Proximity of, or access to, public transport and taxis; and*
- *The cumulative impact of any existing and the proposed liquor license, the hours of operation and number of patrons, on the amenity of the area.*

In addition to policy, it is noted that the Minister for Consumer Affairs recently granted a site specific exemption allowing consideration of the service / consumption of alcohol until 3am. This was on the basis the site is of 'major cultural importance.'

This exemption does not however grant permission to serve / consume alcohol until 3am, only that this can now be considered. The approval of Council for the use and the approval of the VCGLR for the related liquor license remain required.

Noise and venue management

The applicant's response to the aforementioned policies is set out in the submitted acoustic report and VMP.

The original iterations of these reports were peer reviewed by the Council's acoustic consultant and found to be generally acceptable. To this end, the acoustic consultant advised that:

- The mechanical, music and patron noise level criteria adopted to assess the impacts of the proposed use are acceptable and appropriate.
- With regard to mechanical noise, all modelling and predicted results are accurate. A condition should be included upon any permit issued ensuring all plant / equipment installed within / upon the building complies with the provisions of State Environment Protection Policy No. N-1 (Control of noise from commerce, industry and trade).
- Insofar as music noise is concerned, the proposed measures to be implemented (including bass-reducing speakers) will ensure compliance with SEPP No. N-2 (Control of music noise from public premises). The closure of the retractable roof at 11pm (as originally proposed) will be necessary to ensure this. The roof may need to be closed earlier if noise levels / patron behaviour require it.

In addition to this, the venue sound system will limit noise transfer and spill and as such live music could also be managed in accordance with the provisions of SEPP No. N-2.

- With regard to patron noise, all modelling and predictions are accurate. This is however dependent upon patrons being seated which, in the space provided, may not be possible. The use should therefore largely operate as a tavern / bar with significant food offering. This might include tables and chairs being set out for a minimum percentage of patrons at all times.

Notwithstanding this positive response, the acoustic consultant advised that a number of key matters should be included in a revised VMP, as follows:

- The establishment of thresholds to determine what constitutes 'loud' operations and which would, in turn, then necessitate the closure of the roof. This could be before 10pm if required.
- The provision of measures to ensure music remains at background levels only.
- Measures to control patron behaviour and noise generation.
- Measures to prevent entry / exit onto Liverpool Street after 10pm and also to discourage incidental smoking and queuing here.
- The provision of signage reminding patrons to leave quietly.
- The establishment of a complaints procedure and the circulation of management contact details to surrounding residents / business operators.
- A commitment to design / construct / test mechanical systems, music systems and patron control measures to ensure ongoing compliance with SEPP standards.
- Measures to ensure waste is not collected after 8pm or before 7am on weekdays or before 9am on weekends.
- Measures to ensure deliveries and bottle emptying do not occur after 10pm or before 7am on weekdays or before 9am on weekends.

In response to these recommendations, the applicant submitted the revised VMP upon which this assessment is based. This was again reviewed by the Council's consultant acoustic

consultant who advised that the altered measures proposed represent best practice. This includes the fact that the retractable roof would now be closed at 10pm and as such no outdoor areas would be provided on site after this time. In this regard, the venue would now close outdoor spaces one hour earlier than policy requires.

In addition to this, the acoustic consultant also advised that the proposed complaints register and quarterly meetings with interested / affected local residents / business operators to capture and address particular issues was appropriate and, again, a best practice initiative.

Though the measures set out in the revised VMP represent best practice, it nevertheless refers to management procedures beyond 1am and this is considered to be excessive.

Importantly, no particular justification has been put forward for these extended hours of operation. Though the suite of management and technical measures set out in the VMP would indeed assist in limiting the transfer of noise and, in turn, provide some assurance that the use would not impact upon the general amenity of the immediate surrounding area, the fact remains that potential for this remains given the sheer scale of the use.

Though the applicant is to be complemented for the measures set out in the revised VMP, policy is clear that extended hours of operation should only be considered where it can be demonstrated that the general amenity of an area will not be adversely affected.

Whilst again a comprehensive suite of measures would be implemented to address these concerns, given the proximity of sensitive uses (as close as eight metres as measured to the balconies of 16 - 22 Liverpool Street), a licensed venue capable of accommodating in excess of 950 patrons to 3am seven days a week represents an incompatible outcome.

Though again comprehensive, it is considered that the suite of management / technical measures to be implemented could not beyond 1am address the stated policy basis and decision guidelines of Clause 22.22. This includes to ensure licensed premises contribute positively to the activity, appearance, character and image of an area and the nature and use of surrounding land respectively.

Given the scale of the use it is, beyond 1am, difficult to reconcile it with these policy provisions, notwithstanding the measures to be implemented.

In what may be regarded a small mixed-use enclave, the provision of a larger scale licensed venue operating to 3am seven days a week would certainly detract from the character and image of the area and also potentially result in more boisterous activities along surrounding streets well into the following morning. This potential outcome is again unacceptable in what may be regarded a more sensitive central city location.

To ensure that the amenity of the surrounding area is further safeguarded, it is recommended that the VMP again be amended to reflect the reduced hours of operation preferred by policy (1am) and to explicitly state / include:

- Thresholds to determine what constitutes 'loud' operations and which would then necessitate the closure of the retractable roof. This could be at any time but no later than 10pm.
- Details of all management and technical measures to be implemented to ensure recorded music is played at background levels only at all times.
- Measures to ensure live music is played in accordance with the provisions of SEPP No. N-2. This might include the provision of limiters and the like.
- Measures to control patron behaviour, including regular patrols around the three street frontages of the site after 6pm each night to ensure activities associated with the use are not impacting upon the general amenity of the surrounding area.
- Measures to prevent entry / exit and to discourage incidental smoking and queueing onto / along Liverpool Street after 10pm.
- The provision of signage at all entries / exits reminding patrons to leave quietly and disperse the area in a timely manner.

- Details of the complaints procedure and schedule of quarterly meetings with local residents / business operators.
- Details of how and when management contact details will be provided to surrounding residents / business operators. This must be carried out prior to the first operation of the use.
- A schedule of dates upon which all mechanical and music systems will be tested to ensure ongoing compliance with relevant SEPP standards.

Whilst many of these measures (or related references) may already be included within the revised VMP, the plan again refers to operations beyond 1am and the aforementioned recommended inclusions build upon, and seek to clarify, certain other management / technical regimes.

It is considered that these measures, together with reduced operating hours, will ensure that the use does not impact upon the general amenity of the immediate surrounding area.

Though questions may remain with regard to the compatibility of the use with surrounding sensitive uses, it is noted that the city is, in accordance with the overarching purposes of CCZ1, a centre for *financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses which complement its mixed-use function*.

This can often result in the co-location of competing uses and where these can reasonably be managed this should be encouraged in a vibrant mixed-use area such as this.

Importantly, the recommended reduced hours of operation are consistent with policy and to this end should reasonably be expected by both the applicant and surrounding residents. Though many surrounding residents oppose these hours, the applicant has engineered a solution which ensures the noise generated by the use will not exceed accepted standards. This solution is, in accordance with the advice of the acoustic consultant obtained by Council, considered to be best practice and includes entry / exit after 10pm via a less sensitive interface only. Though two hotels are located a short distance to the north of this entry / exit, later access here to / from the venue is considered acceptable given the typically temporary nature of hotel accommodation. To this end, any residual noise generated from this entry / exit would not cause longer-term effects.

This same conclusion cannot however be adopted beyond 1am when surrounding residents and hotel guests should reasonably expect the closure of the venue in accordance with current state and local policy. Activities beyond this time have the heightened potential to generate unacceptable amenity impacts and it is these effects policy seeks to prevent.

Importantly, activities associated with late night licensed venues do not always cease at the time a venue closes. This can sometimes include crime, alcohol-related violence and general nuisance. Previous examples of such activities are the cornerstone of the state government's current policy of not granting licenses to serve / consume alcohol beyond 1am. In the interests of also maintaining the safety and security of the immediate surrounding area, it is again considered the use should cease at this time.

Cumulative effects

The submitted Cumulative Impact Assessment confirms there are 97 licensed premises within a 500 metre radius of the site. These premises may serve alcohol up to 11pm at the earliest and 5am at the latest.

The applicant is of the view that the proposed closing time (3am) would assist in staggering the dispersal of patrons into the public realm, again noting the varying service times of nearby licensed premises. The applicant also notes that the proximity of public transport allows for the quick dispersal of patrons from the area.

Though the applicant views this to be 'an extremely busy location', it is considered it is more so an example of a central city mixed-use enclave where residential and commercial uses successfully co-exist. This land use characterisation therefore warrants a balanced approach

and the introduction of a licensed venue such as that proposed would likely tip this balance to the detriment of this truly mixed-use area.

Whilst the applicant quite rightly states that surrounding residents should not expect the same level of amenity as might be enjoyed in a residential zone, the general amenity of residents should nevertheless be preserved and this is enshrined by Clause 22.22. This clause again establishes appropriate parameters in terms of operating hours and the proposed use would exceed these and, in turn, impinge upon the balance policy seeks to create between licensed venues and competing uses.

It is considered that the proposed venue will not lead to the saturation of such uses in this area and that the cumulative effect of the use up to 1am could reasonably be sustained. Beyond this however the potential effects of the use would only increase and this, in turn, would generate unacceptable amenity impacts.

Patron numbers

The application plans show the venue will comprise 556 square metres of publicly accessible floor area. This excludes amenities, all service areas and the entirety of Basement Levels 01 and 02. It is also noted that the application does not include the first floor of Jobs Warehouse.

Initially, the application quoted a capacity of 957 patrons. The revised capacity informally submitted on 25 November, reduces the capacity to 673 patrons, equating to an average of 0.82 square metres per patron. 45% of patrons (269) would be seated and the remaining 55% (404) would be standing.

Building Regulations states that one square metre should be provided per patron in 'general' areas and 0.5 square metres per patron around bars. Though these areas are not precisely identified upon the application plans, if the average were applied (0.75 square metres), a maximum of 741 patrons could be accommodated on site. To this end, the informally proposed maximum number of patrons on site at any one time (673) complies.

This is however a matter to be resolved by the Relevant Building Surveyor. Insofar as this assessment is concerned, the focus is the impact of patron numbers upon the general amenity of the immediate surrounding area. Importantly, in accordance with the advice of the acoustic consultant, the use should largely operate as a 'tavern with significant food offering.' To this end, a significant proportion of patrons should be seated.

Typically, in a licensed restaurant/café tables and chairs would be set out for 75% of patrons. Though the proposed use is not intended to be a restaurant/café, consideration should nevertheless be given to the provision of tables/chairs given outstanding patron noise-related concerns.

As advised by the applicant, tables/chairs should be set out for 45% of patrons. This is considered an appropriate balance between the concerns of the acoustic consultant, resultant potential amenity impacts and the stated vision of the applicant. These tables/chairs will, in turn, assist in tempering patron behaviour and ensure noise levels remain reasonable in context.

Overshadowing

Clause 22.02 (Sunlight to public spaces) states that new development should not cast shadows over certain public places between 11am and 2pm on 22 September (the equinox). These places include Liverpool Street and Crossley Street.

Importantly, where shadows are cast, these should not unreasonably reduce the amenity of the identified place.

Figure 9 below shows the shadows currently cast by existing buildings over Liverpool and Crossley Streets at 1pm and 2pm on 22 September. Given the orientation of the site, no

shadows are cast over either street at 1pm and only limited shadows are cast over Liverpool Street at 2pm.

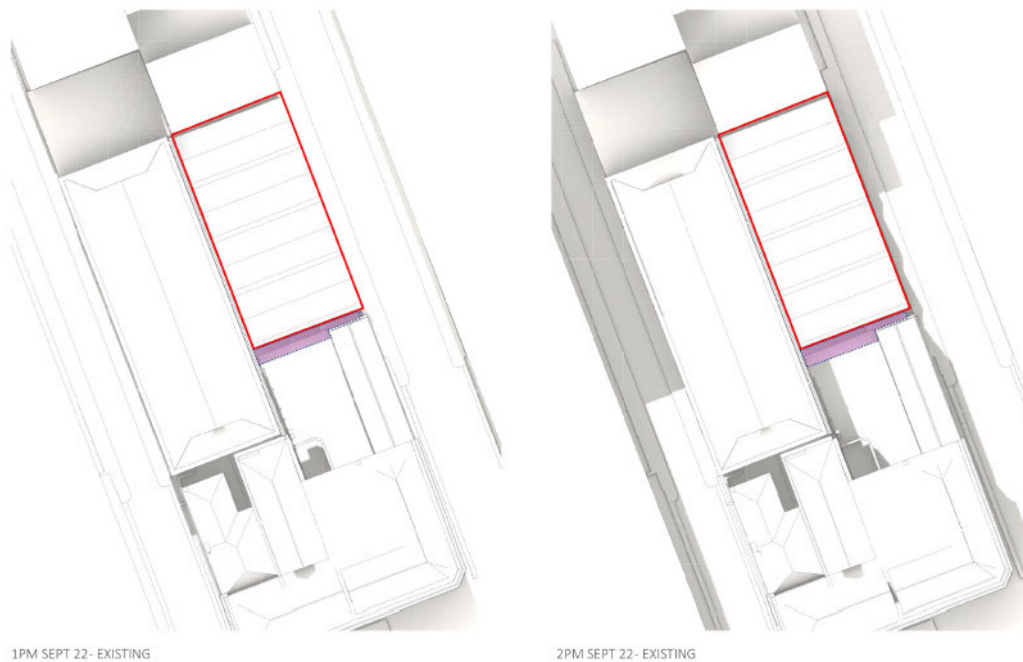


Figure 9: Shadows cast by existing buildings over Liverpool Street at 1pm (left hand image) and 2pm (right hand image) on 22 September (source: application plans prepared by Point Architects)

Figure 10 below shows the shadows the proposed building would cast over Liverpool Street. Again, given the orientation of the site and fact that no new forms would be constructed along the Crossley Street frontage, no additional shadows would be cast here.

Additional shadows would however be cast over Liverpool Street at 2pm. Given this, consideration must be given as to whether or not these shadows unreasonably reduce the amenity of the street.

On the basis these additional shadows would extend only a short distance beyond those cast by existing buildings, it is considered the amenity of the street would not be unreasonably reduced.

Importantly, these additional shadows would not extend much beyond the footpath running along the western side of the street and not across the remaining width of the carriageway and street trees extending along its eastern side. Shadows would also be cast after 1pm only and therefore the street would remain clear of overshadowing for the majority of the times specified by Clause 22.02. When shadows do then extend over the street, these would again be limited and not extend over key landscape features.

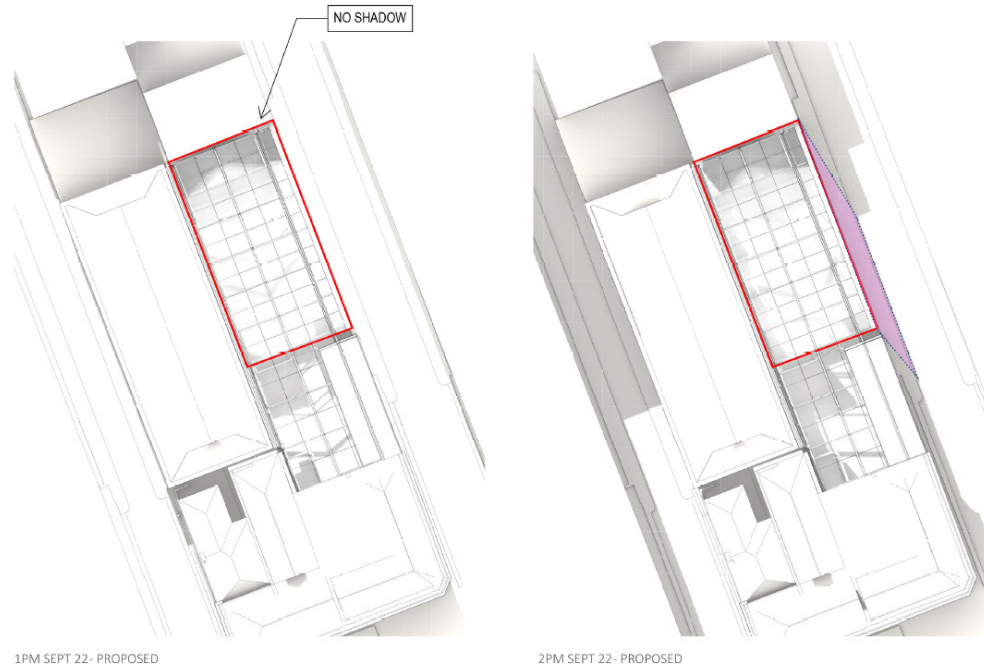


Figure 10: Shadows cast by the proposed building over Liverpool Street at 1pm (left hand image) and 2pm (right hand image) on 22 September (source: application plans prepared by Point Architects)

8.3 The Liverpool Street wall

Though the Liverpool Street wall (refer Figure 6) does not reflect a typical or commonly accepted design approach, it will nevertheless create visual interest and assist in activating the streetscape. Importantly, this activation is not wholly explicit and includes subtle elements such as integrated seating and landscaping. These initiatives have been endorsed by Council's Urban Designers.

Notwithstanding this, Council's Urban Designers have also recommended that finer grain details of the finishes / materials of the wall and the transitions between each be provided for further consideration. This is vitally important given it is this detail which will ultimately determine the success or otherwise of the development as a contextual piece of the streetscape.

In addition to this, it is also recommended that a mix of climbers, creepers and native species be planted. Such a mix would further soften the appearance of the wall.

Importantly, it is considered that the basic composition of the wall also appropriately complements this context. This includes a high wall to opening ratio generally reflecting the more robust building forms which typically characterise laneways such as this. This includes the abutting three-storey late-Victorian brick warehouse at 21 Liverpool Street (Double Happiness).

In turn, the basic composition of the wall also reflects the relevant performance standards of Clauses 22.01 (Urban design within the Capital City Zone) and 22.04 (Heritage places within the Capital City Zone). To this end, the design detailing of the wall appropriately complements the surrounding built form environment and, subject to the recommended conditions listed below, will provide for adequate visual interest and, to a degree, a subtle point of difference along the streetscape. Again, the quality of the materials / finishes of the wall will be critical to its success.

Importantly, whilst the provisions of draft Schedule 1 of the DDO (refer Amendment C308) must also be considered, the mandatory requirements of this overlay as it relates to the activation of street frontages (80% minimum) do not apply in HOs such as this. Again, in

acknowledgement of the more robust building forms which characterise city laneways, a reduced extent of activation can be accepted.

Though as previously noted the design / detailing of the Liverpool Street wall is not typical, it again incorporates a variety of initiatives to create a sufficient degree of activation. By virtue of their uniqueness, these measures also create visual interest and will contribute positively to the streetscape.

In addition to the new Liverpool Street wall, a sizeable opening will also be created along the eastern frontage of Jobs Warehouse (facing Liverpool Street). This opening will provide for a greater sense of activation and allow for the passive surveillance of the Liverpool Street / Bourke Street intersection. This opening will also assist in drawing pedestrians down Liverpool Street towards the Big Courtyard.

Though a permit is not required for this opening in accordance with the provisions of the HO (on the basis a permit has previously been granted by HV), the provisions of DDO1 nevertheless apply. Again, this schedule requires the activation of streetscapes and the proposed opening will certainly allow for this together with the existing retained openings along the Bourke Street frontage.

Figure 11 below shows this new opening in greater detail.

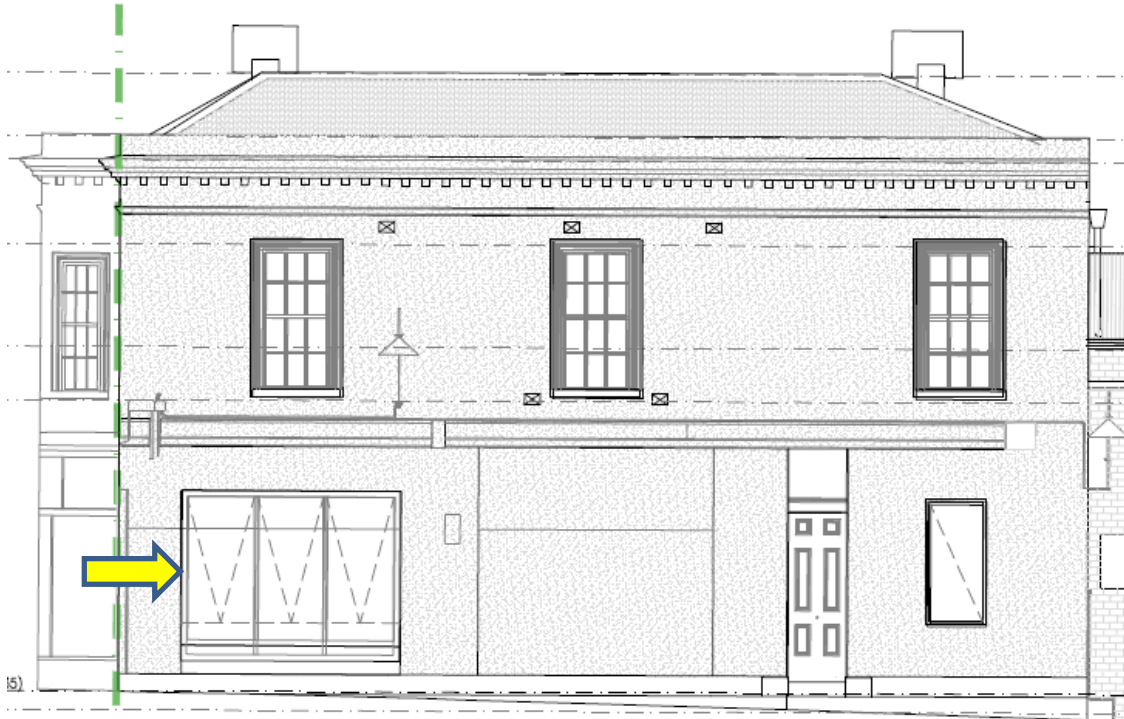


Figure 11: Liverpool Street elevation of Jobs Warehouse. New opening marked by yellow arrow (source: application plans prepared by Point Architects)

8.4 Other matters

Parking, access, loading and waste

Impacts upon surrounding streets

Given the nature of the use (and proximity of the site to public transport services) it is considered that any vehicle movements generated by it would not alone impact upon the function of the surrounding road network. In accordance with the following recommendations, staff bicycle parking would be provided on site and this would further reduce any residual demand by employees for on-street parking. Again, given the nature of the use, it is staff rather than patrons who would most likely drive to / from the site.

Loading and waste

Clause 65.01 states that before determining an application, the Responsible Authority must consider (amongst other matters) *the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

On the basis a bin holding room would be provided at ground level and waste collections would be undertaken via Bourke Street rather than Liverpool Street, access along this laneway would not be impeded. Indeed, the provision of a bin holding room within the curtilage of the site represents an improvement upon existing conditions. At present, bins are stored along the western side of Liverpool Street and this not only impedes access but also undermines the amenity value of the laneway.

Though bins would still need to be transferred along Liverpool Street to the designated loading bay on Bourke Street (as identified in the Waste Management Plan), this would take limited time only and again represents an improvement upon existing conditions, in terms of both access and general amenity.

Car and bicycle parking

No car parking is required on site in accordance with the provisions of PO1 and none will be provided.

Notwithstanding this, Clause 52.34 requires 38 bicycle parking spaces (19 employee and 19 patron spaces) and these too will not be provided.

Given the nature of the proposed use, it is not considered necessary to provide patrons parking spaces on site. It is however considered necessary to provide staff spaces and capacity exists to do so at basement level. Importantly, any such spaces here could be conveniently accessed via the goods lift off Liverpool Street.

Though the basement would need to be reconfigured to accommodate these spaces, this should not disturb the basic lay out and function of service areas.

It is recommended that a condition be included upon any permit issued requiring the provision of 19 staff bicycle parking spaces on site.

9 CONCLUSION

The proposed use is, subject to the conditions listed overleaf, considered to be acceptable. This use would, in accordance with the overarching purposes of the CCZ, complement the mixed-use function of the area together with surrounding residential and commercial uses.

Though a suite of management / technical measures would be implemented to address off-site amenity concerns, these do not warrant the proposed extended hours of operation. To this end, it is recommended that the use cease at 1am in accordance with the provisions of Clause 22.22 of the Melbourne Planning Scheme.

The use should also include a significant food offering in order to ensure it additionally acts as a dining venue and indeed this is the applicant's intention. Conditions reflecting this, including the provision of tables and chairs for a minimum percentage of patrons at all times, should therefore be included upon any permit issued.

These conditions would complement the VMP which seeks to ensure that patron behaviour and music noise do not impact upon the general amenity of surrounding residents. This includes directing patrons to the least sensitive interface when entering / exiting late at night.

Though the submitted VMP is largely fit for purpose, it is recommended that a condition be included upon any permit issued requiring the provision of an amended plan reflecting the reduced hours of operation and including a variety of altered management measures.

It is considered that this will assist in better realising the applicant's vision of a more sophisticated food and drink premises set amongst a backdrop of classical and eclectic

fittings and décor. Currently, this vision does not sit comfortably with the proposed extended hours of operation and, the significant patron numbers. Since the permit does not lock in the proposed vision, it must ensure through robust conditions that over time the complex does not transform into a more boisterous drinking venue rather than the restrained destination currently envisaged by the applicant.

Importantly, such a venue would better complement the mixed-use function of the immediate surrounding area. As proposed, it is anticipated that the use would function exclusively as a late night drinking venue and this would again not be acceptable in this context at the intended scale and intensity.

With regard to the Liverpool Street, though atypical in its form and presentation it will, by virtue of its uniqueness, create visual interest and add to the vitality of the streetscape. This includes by way of the provision of integrated seating and landscaping. Though the number and extent of openings are limited, the seating and landscaping provided will reinforce the walls contribution to the public realm.

10 RECOMMENDATION

Subject to the conditions listed below and overleaf, it is recommended that a Notice of Decision to Grant a Permit be issued.

1. Prior to the commencement of the development hereby approved, the applicant shall submit to and have approved in writing by the Responsible Authority electronic plans drawn to scale generally in accordance with the plans received by Council on 9 September and 26 October 2020 prepared by Point Architects but amended to show:
 - a. The provision of 19 staff bicycle parking spaces at basement level. These spaces must be designed and laid out in accordance with the provisions of Clause 52.34 (Bicycle facilities) of the Melbourne Planning Scheme.
 - b. Sections through each of the openings of the Liverpool Street wall at a minimum scale of 1:50 showing how it curves and transitions to outdoor seating.
 - c. Details of how the various material treatments of the Liverpool Street wall merge and transition at a minimum scale of 1:20.
 - d. Notations on the ground floor plan confirming that the ramp into the building off Liverpool Street will be DDA compliant. If this is not possible, steps should be provided here.
 - e. Notations confirming the provision of signage at all entries / exits reminding patrons to leave quietly and disperse the area in a timely manner.
 - f. A mix of climbers, creepers and native species, such as Small Leaved Clematis and Snake Vine upon the Liverpool Street wall. Details of all species to be planted shall also be provided as well as soil volumes and irrigation method.
2. The use and development as shown on the endorsed plans shall not be altered or modified unless with the prior written consent of the Responsible Authority.
3. The use hereby approved may operate between the following hours only:
 - Sundays - 10am and 1am the following morning.
 - Good Friday and ANZAC Day - midday and 1am the following morning.
 - Any other day - 7am and 1am the following morning.
4. The retractable roof over the Big Courtyard must be closed no later than 10pm each night and remain hermetically closed until such time as the venue reopens the following day.
5. Prior to commencement of the use hereby permitted, the recommendations contained within the submitted acoustic report entitled '54 - 62 Bourke Street, 11 Liverpool Street and Shop 9 Crossley Street, Town Planning Report' prepared by Marshall Day Acoustics

and dated 7 September 2020 must be implemented at no cost to the City of Melbourne and to the satisfaction of Council.

6. Prior to the commencement of the use hereby permitted an acoustic report prepared by a suitably qualified person(s) verifying that the maximum noise levels emitted from the building will not exceed the requirements of State Environment Protection Policy No. N-1 (Control of noise from commerce, industry and trade) and State Environment Protection Policy No. N-2 (Control of music noise from public premises) at any time must be submitted to and approved in writing by the Responsible Authority.
7. The Responsible Authority may, with just cause at any time, request lodgement of an acoustic report prepared by a suitably qualified person(s). This report must be to the satisfaction of Council and identify any potential noise sources and further sound attenuation work required to address noise-related issues and to ensure ongoing compliance with State Environment Protection Policy No. N-1 (Control of noise from commerce, industry and trade) and State Environment Protection Policy No. N-2 (Control of music noise from public premises). The recommendations of the report must be implemented by the applicant at no cost to the City of Melbourne as soon as practicable following its endorsement.
8. No loudspeaker, amplifier, relay or other audio equipment may be installed or used outside the premises at any time.
9. Tables and chairs must be placed in position so as to be available for at least 45 per cent of patrons attending the premises at any time.
10. Prior to the commencement of the use hereby permitted, a revised Venue Management Plan (VMP) shall be submitted to and be approved in writing by the Responsible Authority. This plan must be generally in accordance with the submitted VMP entitled 'Venue Management Plan: The Premises' dated 8 September 2020 but amended to state / include:
 - a. Thresholds to determine what constitutes 'loud' operations and which would then necessitate the closure of the retractable roof. This could be at any time but no later than 10pm each night.
 - b. Details of all management and technical measures to be implemented to ensure recorded music is played at background levels only at all times.
 - c. Measures to ensure live music is played in accordance with the provisions of State Environment Protection Policy No. N-2 (Control of music noise from public premises) at all times. This might include the provision of limiters and the like.
 - d. Measures to control patron behaviour, including regular patrols around the three street frontages of the site after 6pm each night to ensure activities associated with the use are not impacting upon the general amenity of the surrounding area.
 - e. Details of pass out arrangements.
 - f. Measures to prevent entry / exit and to discourage incidental smoking and queueing onto / along Liverpool Street after 10pm.
 - g. Details of the complaints procedure and schedule of quarterly meetings with local residents and business operators.
 - h. Details of how and when management contact details will be provided to surrounding residents / business operators. This must be carried out prior to the first operation of the use.
 - i. A schedule of dates upon which all mechanical and music systems will be tested to ensure ongoing compliance with relevant SEPP standards.

When endorsed this VMP will form part of the permit and shall be adhered to at all times to the satisfaction of the Responsible Authority.

11. Prior to the commencement of the use hereby permitted, a Delivery Management Plan (DMP) must be submitted to and approved in writing by the Responsible Authority. This plan must set out the manner in which deliveries will be received and confirm that all

activities associated with this will not at any time impede access along public roads adjoining the site, including Liverpool Street and Crossley Street.

12. All deliveries to the site shall not occur after 10pm or before 7am on weekdays or after 10pm or before 9am on weekends.
13. Prior to the commencement of the use hereby permitted, a report from the author of the ESD report endorsed to form part of this permit or similarly qualified persons / companies, detailing how the performance outcomes specified in the report have been implemented must be submitted to and approved in writing by the Responsible Authority.
14. All waste storage and collection arrangements must be carried out in accordance with the Waste Management Plan (WMP) entitled 'Jobs Warehouse redevelopment, 54 - 62 Bourke Street, Melbourne' prepared by Irwinconsult and dated 27 October 2020. For the avoidance of doubt, the waste collection times specified in Conditions 16 and 17 supersede any conflicting collection times set out in this WMP.
15. The approved WMP must not be altered or modified without the prior written consent of the Responsible Authority - Waste and Recycling.
16. Waste must not to be collected after 8pm or before 7am on weekdays or after 8pm or before 9am on weekends.
17. Empty bottles must not to be collected from the site after 8pm or before 7am on weekdays or after 8pm or before 9am on weekends.
18. Empty bottles must be deposited into recycling bins quietly so as not to cause disturbance to surrounding residents to the satisfaction of the Responsible Authority.
19. Any projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Responsible Authority - Infrastructure and Assets.
20. The title boundaries of the site may not align with abutting streets. The approved development must not encroach onto these streets at any point.
21. Prior to the commencement of the development hereby permitted, details of the site stormwater drainage system, incorporating integrated water management design principles, must be submitted to and be approved in writing by the Responsible Authority - Infrastructure and Assets. This system must be constructed and provision made to connect it to the City of Melbourne's underground stormwater drainage system prior to the commencement of the use.
22. Prior to the commencement of the use hereby permitted, all footpaths, kerbs and channels abutting the site must be reconstructed in accordance with plans and specifications first approved by the Responsible Authority - Infrastructure and Assets.
23. Prior to the commencement of the use hereby permitted, Liverpool Street must be reconstructed as necessary together with associated works, including the modification of services, at the cost of the developer in accordance with plans and specifications first approved by the Responsible Authority - Infrastructure and Assets.
24. All existing levels along Bourke Street, Liverpool Street and Crossley Street adjoining the site must not be altered for the purpose of constructing new pedestrian entrances without first obtaining the written approval of the Responsible Authority - Infrastructure and Assets.
25. All existing street lighting temporarily removed or altered to facilitate construction works must be reinstated once the need for removal / alteration has ceased. This lighting must not otherwise be altered without first obtaining the written approval of the Responsible Authority - Infrastructure and Assets.

26. Existing street furniture adjacent to the site must not be removed or relocated without first obtaining the written approval of the Responsible Authority - Infrastructure and Assets.
27. Prior to the commencement of the development hereby permitted, excluding preliminary site works, demolition and clean-up, or as may otherwise be agreed in writing by the City of Melbourne, a lighting plan must be prepared and submitted to Council for approval. This plan should be generally consistent with Council's Lighting Strategy and include the provision of public lighting along Liverpool Street. All approved lighting works must be completed prior to the commencement of the use in accordance with plans and specifications first approved by the Responsible Authority - Infrastructure and Assets.
28. Prior to the commencement of the development hereby permitted, including demolition and bulk excavation, a detailed Construction Management Plan (CMP) shall be submitted to and be approved in writing by the Responsible Authority - Construction Management Group. This CMP must be prepared in accordance with the Council's Construction Management Plan Guidelines and is to consider the following as a minimum:
 - a) Public safety, amenity and site security
 - b) Operating hours, noise and vibration controls
 - c) Air and dust management
 - d) Stormwater and sediment control
 - e) Waste and materials reuse
 - f) Traffic management.
29. The maximum number of patrons permitted on site at any one time is 673 unless with the prior written consent of the Responsible Authority.
30. This permit will expire if one or more of the following circumstances apply:
 - a) The development is not started within three years of the date of this permit;
 - b) The development is not completed within five years of the date of this permit; or
 - c) The use is not started within five years of the date of this permit.

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

Notes

All necessary approvals and permits are to first be obtained from the City of Melbourne and all works performed to the satisfaction of the Responsible Authority - Infrastructure and Assets.

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