

**SCHEDULE 15 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY
Tracked Changes Version of Exhibited Version For Adoption**

C223yara

SCHEDULE 15 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO15**.

81-95 BURNLEY STREET AND 26-34 DOONSIDE STREET, RICHMOND**1.0**

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Objectives

None specified.

2.0

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Requirement before a permit is granted

A permit may be granted for the following before a development plan has been approved:

- Buildings or works necessary for existing businesses or uses to continue.
- Consolidation or subdivision.
- Removal or creation of easements or restrictions.
- Demolition or removal of buildings.
- The construction or carrying out of minor buildings or works, including site preparation.
- Buildings and works associated with or for the purpose of obtaining a certificate or statement of environmental audit under the *Environment Protection Act 1970*; or environmental matters pursuant to any successor legislation, including the *Environment Protection Amendment Act 2018*, where these works do not prejudice the preparation and approval of the Development Plan and the vision for the land set out in this overlay.

Before granting a permit the Responsible Authority must be satisfied that the permit will not prejudice the future use and development of the land and will not compromise the objectives for the site as set out in this schedule.

2.1**Section 173 Agreement to provide for affordable housing**

The owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* which requires that the owner must facilitate the provision of 10 percent of the total number of dwellings (being the total number of dwellings provided within the DPO15 area) as affordable housing by:

- Entering into an arrangement with a Registered Agency under the Housing Act 1983 for the provision of the affordable housing within the DPO15 area to a Registered Agency; and/or
- Making other arrangements for the provision of affordable housing in conjunction with a Not for Profit (registered with the Australian Charities and Not-for-profits Commission) to the satisfaction of the Responsible Authority; and/or
- Making other arrangements for the provision of for the provision of Affordable Housing as defined at Section 3AA of the *Planning and Environment Act 1987*, to the satisfaction of the Responsible Authority.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

The Section 173 Agreement must be entered into ~~prior to~~ **once** a planning permit ~~being issued~~ **has been issued but prior to the endorsement of plans** in accordance with the approved Development Plan.

2.2 Section 173 Agreement to provide for public infrastructure

The owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* for the provision of **or a proportionate contribution** to the following items of public infrastructure in accordance with the Public Realm Plan prepared and approved in accordance with this schedule. The works may include but are not limited to:

- Streetscape and public realm improvements to Doonside Street;
- Streetscape and public realm improvements to Appleton Street; and
- A minimum nine (9) metre wide pedestrian lane connecting Doonside Street and Appleton Street ~~at the approximate mid-point of the Site~~, generally in accordance with the *Indicative Framework Plan* at Figure 1.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

The Section 173 Agreement must be entered into ~~prior to~~ **once** a planning permit ~~being issued has been issued but prior to the endorsement of plans~~ in accordance with the approved Development Plan.

2.3 Section 173 Agreement for Traffic Impact Assessment Report works

The owner (or another person in anticipation of becoming the owner) must enter into an agreement with VicRoads and the Responsible Authority under section 173 of the *Planning and Environment Act 1987* for the provision of works which are identified in the Traffic Impact Assessment Report prepared and approved in accordance with this schedule. The works may include but are not limited to:

- mitigating works required for each development stage in the Development Plan; ~~and~~
- a two way or a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street; ~~and if required, approved by VicRoads in consultation with the Responsible Authority.~~
- ~~a new intersection, if required, approved by VicRoads in consultation with the Responsible Authority.~~

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

The Section 173 Agreement must be entered into ~~prior to~~ **once** a planning permit ~~being issued has been issued but prior to the endorsement of plans~~ in accordance with the approved Development Plan.

3.0 Conditions and requirements for permits

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3.1 Permit requirements

Except for a permit granted in accordance with Clause 1.0 of this Schedule, a permit must contain conditions that give effect to the provisions and requirements of the approved development plan.

3.2 ~~Heritage Impact Statement~~ **3.2 HERITAGE IMPACT STATEMENT**

A permit application must include, where relevant:

- ~~A heritage impact statement prepared by a suitably qualified professional that assesses the impact of the proposed development on the heritage values of the heritage place and nearby~~

~~heritage places, as identified in the conservation management plan or similar comprehensive heritage analysis prepared for the site, along with relevant heritage studies and citations.~~

A heritage impact statement prepared by a suitably qualified professional that assesses the impact of the proposed development on the heritage values of the heritage place.

- A ~~site~~sightline analysis and 3D ~~modeling~~modelling of the proposed development from key view points in the public realm to enable an assessment of the visual impact of the development on the heritage places within the site.

3.3 HERITAGE CONSERVATION

A planning permit granted for the development of parts of the site within the Heritage Overlay must contain conditions requiring the permit holder to:

- Engage a suitably qualified person to:
 - prepare a schedule of conservation works for the retained facades of the heritage buildings at 81-95 Burnley Street and the exterior form of the heritage building at 26-34 Doonside Street, including time frames for each action to the Responsible Authority's satisfaction;
 - undertake archival recordings of the heritage buildings (81-95 Burnley Street and 26-34 Doonside Street) to the responsible authority's satisfaction prior to any demolition on the site; and
 - prepare a heritage maintenance plan defining the ongoing cyclical repair and maintenance for the retained facades of the heritage buildings at 81-95 Burnley Street and the exterior form of the heritage building at 26-34 Doonside Street to the Responsible Authority's satisfaction.
- Require the permit holder to implement the conservation works and heritage management plan to the satisfaction of the Responsible Authority within the timeframes provided.

3.4 TRAFFIC IMPACT ASSESSMENT REPORT (TIAR)

A permit application must include a Traffic Impact Assessment Report (TIAR) prepared by a suitably qualified traffic engineer in consultation with the owners of the Victoria Gardens Shopping Centre. The TIAR must include all of the matters dealt with in the Traffic Works Assessment, as set out in 4.2 of this DPO, and include:

- Details of the proposed car parking and bicycle parking provision and anticipated traffic generation of the proposal the subject of the permit application.
- An assessment of the capacity of the existing road network to accommodate anticipated traffic generation.
- Any mitigation works necessary to accommodate the anticipated traffic generation.

3.5 GREEN TRAVEL PLAN

A permit application must include a Green Travel Plan that demonstrates that the development supports sustainable transport alternatives to the motor car, provides on-site car share spaces and considers the opportunity for bicycle parking and storage facilities. The Green Travel Plan must be prepared to the satisfaction of the Responsible Authority by a qualified traffic engineer.

4.0

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Requirements for development plan

A development plan must be generally in accordance with the *Indicative Framework Plan* as shown in Figure 1, and the vision set out in this schedule, to the satisfaction of the Responsible Authority.

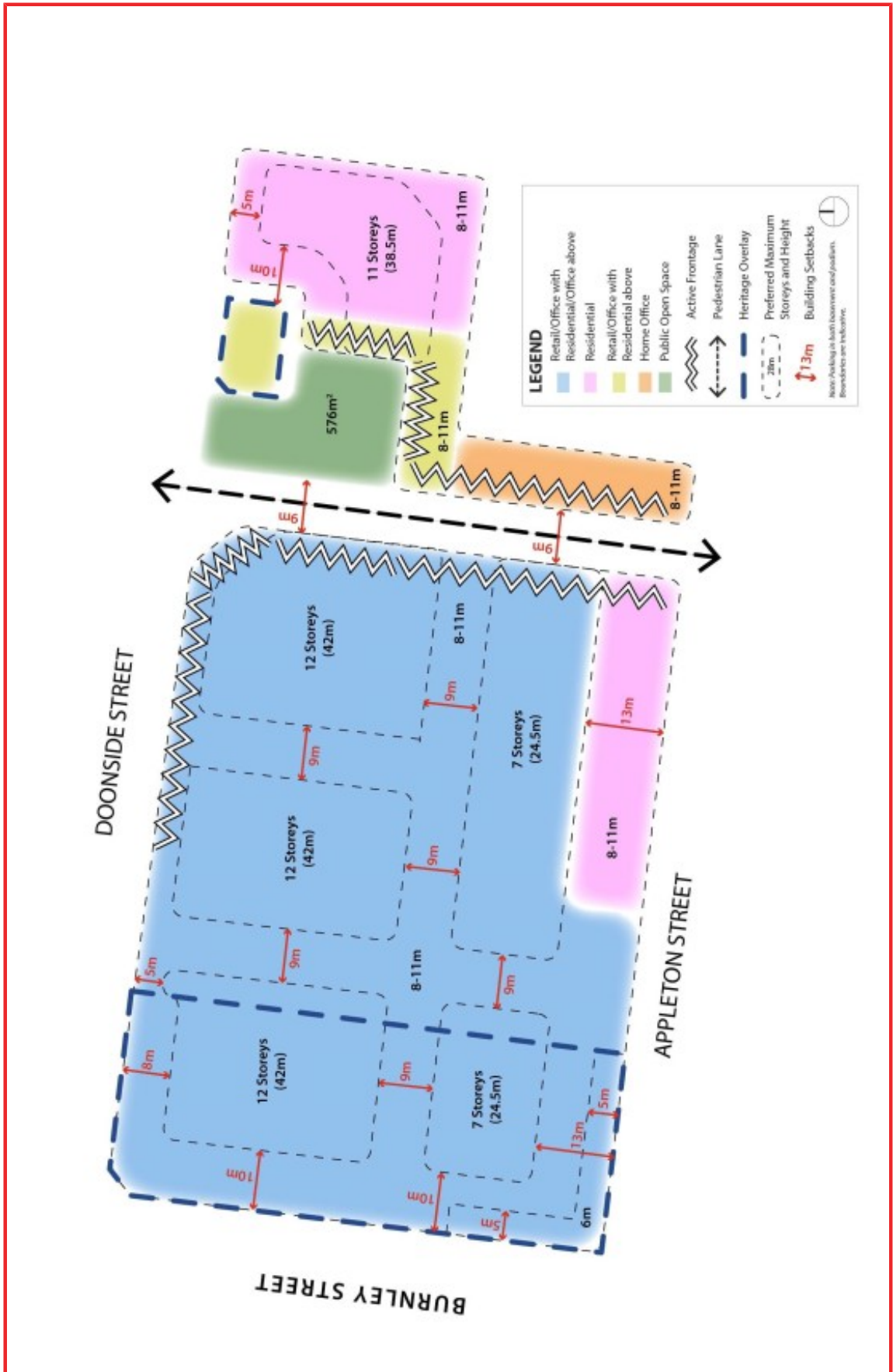
A development plan must be approved for the whole site, however the land may be developed in stages.

The development plan must include the following sections, all prepared to the satisfaction of the Responsible Authority:

4.1 Development Plan Vision

- To become a sustainable, mixed-use residential community, supported by convenience retailing services, community facilities, and employment opportunities augmenting the role of the Victoria Street Activity Centre.
- To recognise the opportunity of the site’s activity centre context, whilst respecting the low rise residential development to the south.
- To protect the reasonable amenity of residential properties on the south side of Appleton Street and to the east of the subject site.
- To provide improvements to the public domain, including pedestrian friendly environments along all street frontages, the provision of public open space and a pedestrian laneway.
- To provide a high standard of internal amenity, building separation and best practice environmentally sustainable design.
- To- respect the scale and form of heritage places within and adjacent to the site-~~and provide for the conservation of heritage places within the site.~~
- To provide for the conservation of heritage places within the site.
- To ensure that new development mitigates any adverse impact it may generate upon local traffic conditions.
- To ~~provide for the sensitive adaptive re-use of heritage buildings in accordance~~ ensure that the primary responsibility for noise attenuation rests with the ~~Indicative Framework Plan and informed by a comprehensive heritage analysis prepared for the site by a suitably qualified professional that:~~agent of change.
- To ensure new development, does not unreasonably prejudice by way of reason of reverse amenity the ongoing operation of nearby existing commercial, industrial and warehouse businesses, including Victoria Gardens Shopping Centre.
- To provide for the sensitive adaptive re-use of heritage buildings in accordance with the Comprehensive Heritage Analysis referred to in Clause 4.2
 - ~~articulates the significance of the heritage place, its component parts and its setting;~~
 - describes the relationship between the heritage place and any neighbouring or adjacent heritage place/s; and
 - establishes principles for managing the significance of the heritage place and its relationship with its surroundings.

Figure 1: Indicative Framework Plan





4.2 Components of the Development Plan

SITE AND CONTEXT INFORMATION

A site analysis that identifies:

- the key attributes of the land and its context;
- existing or proposed uses on adjoining land;
- other neighbourhood features such as public transport, activity centres, walking and cycling connections; and
- important views to be considered and protected, including views of existing heritage buildings.

CONCEPT PLANS

Concept plans must include:

- The total number of dwellings across the entire site;
- The proposed use of each building and estimated floor area for each use;
- At least 9,000m² of Gross Floor Area provided for employment generating activities;
- An indication of the location and approximate commercial and retail yield for the site;
- A north south pedestrian lane :
 - with a minimum width of 9 metres;
 - that provides safe and pleasant pedestrian and cycling access between Doonside Street and Appleton Street;
 - that receives sunlight between 10am and 2pm at the equinox;
 - that remains publicly accessible ~~in perpetuity;~~ and to pedestrians at all times; and that will not be accessible by private vehicles at any time (with the exception of emergency services and public/authority services).
 - that will not be accessible by private vehicles at any time (with the exception of emergency services and public/authority services).

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- The provision of at least 4.5% of the total site (576 square metres) for public open space which fronts Doonside Street and adjoins the pedestrian lane (or a higher percentage if contained in Clause 53.01 of the Yarra Planning Scheme at the time of subdivision).- The plan must show the area of public open space in square metres and its percentage of overall site area; ~~and~~
- ~~Vehicular~~ Indicative vehicular, pedestrian, cyclist and loading access points and connections; and
- Details of any works or treatments proposed to Doonside Street or Appleton Street or the nearby road network.

BUILT FORM GUIDELINES

Built form guidelines to assist the implementations of the Vision which provide the following:

- Maximum building heights and envelopes responding to the site context;
- Building setbacks from street boundaries that ensure that new future development does not overwhelm the scale of the heritage buildings on the site or on heritage places and presents acceptably to lower scale buildings in the vicinity of the site, including dwellings on the south side of Appleton Street;
- Building setbacks from the facades of 81-95 Burnley Street that ensure the heritage building can be understood as having a three dimensional form;
- ~~Minimum~~ Preferred minimum upper level (above podium) setbacks of:
 - 13 metres from the Appleton Street site boundary.
 - 10 metres from the Burnley Street site boundary.
 - 8 and 5 metres from the Doonside Street site boundary.
 - 9m from habitable room windows or balconies of the Embassy building directly to the east and south.
- Ensure new buildings are well spaced (preferred minimum of 9 metres between buildings above podium);
- Buildings set back a minimum of 10 metres (above podium) from the heritage building at 26-34 Doonside Street;
- Inter-floor heights within the heritage buildings on the site to ensure they relate to the existing floor levels and/or fenestration patterns;
- Ensure the retention of key heritage fabric of:
 - the Appleton Street, Burnley Street and Doonside Street elevations of 81-95 Burnley Street (former Repco Factory) for the extent of the building within in heritage overlay; and
 - external form of 21 Doonside Street (former Repco Offices and Laboratories), while allowing for adaptive reuse.
- Active frontages to Burnley Street, Doonside Street, open space and the pedestrian lane, as appropriate;
- ~~Massing diagrams that model the proposed built form envelopes based on the indicative heights and setbacks;~~
- ~~Shadow diagrams that demonstrate:~~
 - ~~no unreasonable overshadowing of Doonside Street public open space area and~~
 - ~~no overshadowing of private properties on the southern side of Appleton Street beyond that caused by a building of 11m when measured between the hours of 10:00am and 2:00pm at the September Equinox.~~

- ~~Indicative palette of building materials and architectural treatments throughout the site.~~—The design and use of materials must be respectful of the industrial heritage of the site and its surrounds to the north and east, as well as to the residential heritage to the south.
- Provide for high quality architecture and spaces throughout the site and respond to heritage places through, as appropriate:
 - ~~Use of lightweight materials~~Create an interesting and varied street wall and podium which is reinforced through a range of parapet heights and rebates of sufficient depth and texture to provide modulation in the street facade.
 - ~~Simple architectural detail so as not to detract from~~Use contemporary architectural detail which complements and responds to the significant elements of the heritage buildings
 - ~~Discouraging~~Avoid highly articulated facades ~~with recessed and projecting elements~~above retained heritage buildings,
 - ~~Ensuring the retention of~~Ensure there is solid built form behind retained facades and ~~avoiding~~avoid balconies behind existing ~~openings~~openings.Provide high quality
 - Providing high quality treatments to the building facades facing the pedestrian lane and streets.
- Ensure car parking is screened by buildings and not clearly visible from the street, or- otherwise located in basement areas;
- Ensure buildings are designed to ameliorate adverse wind conditions at street level, public spaces and lower level dwellings;
- Ensure buildings are designed along Appleton ~~St~~Street to break up the form of the street wall.
- ~~Guidelines to mitigate adverse impacts of wind effects in building design.~~
- Minimise vehicle access and traffic movements in Appleton Street.
- Ensure buildings are designed and spaced to create a visually interesting skyline, streetscape and coherent precinct.
- Ensure that site services and loading areas are carefully designed to minimise impacts on streetscapes, shared spaces and pedestrian footpaths and laneways.
- Buildings designed to ensure the effectiveness of new residential development and other noise sensitive uses in protecting their own amenity where potentially affected by existing commercial, industrial and warehouse businesses.
- To encourage sustainable transport initiatives.

SUPPLEMENTARY DOCUMENTATION

- Massing diagrams that model the proposed built form envelopes based on the indicative heights and setbacks;
- Shadow diagrams that demonstrate:
 - no overshadowing of private properties on the southern side of Appleton Street beyond that caused by a building of 11m when measured between the hours of 10:00am and 2:00pm at the September Equinox.
 - no overshadowing of the footpath on the western side of Burnley Street from 11 am at the September Equinox
 - appropriate access to sunlight within the proposed park between the hours of 10am and 2pm at the September Equinox to provide a reasonable standard of amenity and useability as a principally passive open space.
- Indicative palette of building materials and architectural treatments throughout the site.

OPEN SPACE AND LANDSCAPE

A Landscape Concept Plan must be prepared that provides:

- ~~Dimensions~~ Indicative dimensions of open space in all parts of the site at ground level to the satisfaction of the Responsible Authority;
- An overall landscape masterplan for the site that includes landscape concepts for proposed open space and improvements along Appleton Street and Doonside Street;
- Deep planting opportunities for canopy trees within the proposed public open space, free from basement incursion;
- A written description of the management of the open space, pedestrian lane and other landscaped areas, including sustainable irrigation principles such as water sensitive urban design opportunities; and
- Details of how the Landscape Concept Plan responds to any requirements of the site remediation strategy for the land.

PUBLIC REALM PLAN

A Public Realm Plan must be prepared to the satisfaction of the Responsible Authority. The Public Realm Plan must detail how the development will contribute towards improving the public realm adjacent to the site and provide the following information:

- Principles for how future development will contribute to improving the public realm and promoting inviting, pedestrian-friendly public spaces.
- The locations of public realm infrastructure works such as footpaths, bike paths, street lighting and furniture, and street trees, including:
 - Streetscape and public realm improvements to Doonside Street;
 - Streetscape and public realm improvements to Appleton Street; and
 - A minimum nine (9) metre wide pedestrian lane connecting Doonside Street and Appleton Street at the approximate mid-point of the Site, generally in accordance with the *Indicative Framework Plan* at Figure 1.

HOUSING DIVERSITY REPORT

A Housing Diversity and Adaptability Report must be prepared to the satisfaction of the Responsible Authority which provides the following information:

- A demographic analysis of the types of people and households anticipated to live within the development based on the proposed dwelling design and bedroom mix.
- The model to provide 10% of the ~~overall housing stock~~ total number of dwellings as affordable housing.
- Demonstrate how the development plan responds to the particular housing needs of future residents across their lifetime.

~~ECONOMIC ASSESSMENT~~

~~An economic assessment must be prepared which identifies, as appropriate, viable employment generating uses for the site.~~

TRANSPORT ASSESSMENT

A Traffic ~~Impact~~ Works Assessment Report (TIARTWA) prepared by a suitably qualified traffic engineer to the satisfaction of the Responsible Authority and Vic Roads. The Traffic Impact Assessment must include ~~and demonstrate the following:~~

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- An existing conditions assessment, including existing and approved vehicle and loading access arrangements associated with the Victoria Gardens Shopping Centre with capacity to interact with traffic from the development.
- Details of any development staging.
- Consultation with the owner of the Victoria Gardens Shopping Centre
- A site layout plan showing convenient and safe primary vehicle access, including:
 - Primary vehicle access to and from Doonside Street;
 - Any vehicle access to Appleton Street to be a secondary access point;
 - No direct vehicle access to or from the site via Burnley Street.
- Details regarding the layout, cross section and function of any internal street or laneway network.
- On site car parking and bicycle parking provisions and allocations.
- Expected traffic volumes and impact on the existing road network, including but not necessarily limited to Doonside Street, Appleton Street and Burnley Street. This assessment is to include details of any assumptions relied upon.
- The **HARTWA** is to include consideration of any development stages and approved/current development applications within the immediate area surrounding the site. The assessment is to:
 - identify mitigating works required for each development stage in the Development Plan
 - assess whether a two way or a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street is required and the trigger for providing the signalised intersection to the satisfaction of VicRoads
 - identify a new intersection layout and operation, if required, approved by VicRoads in consultation with the Responsible Authority.
- Details of any works or treatments proposed to Doonside Street or Appleton Street or the nearby road network.
- ~~Details regarding the impact on~~ Determine the likely increases to pedestrian and bicycle routes: movements generated by the site and the likely distribution of those movements. Demonstrate how the subject site will prioritise those movements and provide convenient connections to existing infrastructure.
- Measures to reduce conflict and improve pedestrian and bicycle amenity (if applicable).
- ~~Details regarding~~ Indicative loading arrangements, with loading to be undertaken on site and conflict between the loading bay(s) and car parking areas and non-motorised transport to be minimised.
- Estimate the type and number of loading/unloading activities associated with the development and provide information on appropriate loading/unloading facilities to service the various uses proposed.
- Access to the site by trucks is to be via Doonside Street.
- Details regarding on-site waste collection, with waste vehicles accessing the site from Doonside Street.

GREEN TRAVEL PLAN

~~A Green Travel Plan must demonstrate that the development supports sustainable transport alternatives to the motor car, provides on site car share spaces and provides bicycle parking and storage facilities. It must be prepared to the satisfaction of the Responsible Authority and prepared by a qualified traffic engineer.~~

ENVIRONMENTALLY SUSTAINABLE DESIGN (ESD)

An environmentally sustainable design assessment must be prepared to the satisfaction of the Responsible Authority which sets out how future development may achieve:

- WSUD objectives and requirements pursuant to the planning scheme; and
- ESD objectives and requirements pursuant to the planning scheme

DRAINAGE

A drainage assessment must be prepared to the satisfaction of the Responsible Authority which includes:

- A catchment analysis of the existing storm water drainage system in Burnley Street and Doonside Street;
- A capacity assessment for the existing drainage system into which future development will be discharged; and
- A flood analysis which determines the overland flow depth within the road reserve during a 1 in 100 year flood.

COMPREHENSIVE HERITAGE ANALYSIS

A ~~heritage impact statement~~ Comprehensive Heritage Analysis must be prepared by a suitably qualified professional to the satisfaction of the Responsible Authority that includes the following, having regard to the heritage expert assessments prepared for Amendment C223:

- written description of the heritage places;
- history of the heritage places;
- assessment of significance of individual elements; and
- copies of the existing Statements of Significance of HO252 and HO375.

ACOUSTIC REPORT

- ~~Assesses the impact of the proposed development on the heritage values of the heritage place and nearby heritage places.~~—Development that includes residential or other sensitive uses must be designed and constructed to include noise design and noise attenuation measures that achieve the noise levels that are calculated by applying the method in Schedule B of State Environment Protection Policy No. N-1 ‘Control of Noise from Commerce, Industry and Trade (SEPP N-1). (or the equivalent environment reference standard to be introduced under the Environment Protection Amendment Act 2018). For the purpose of assessing whether the above noise standards are met, the noise measurement point shall be located inside a habitable room of a noise sensitive residential use with windows and doors closed.
- ~~Addresses the retention, restoration, redevelopment and adaptive reuse of the heritage buildings (81-95 Burnley Street and 26-34 Doonside Street); and heritage façade (Burnley Street);~~
- ~~Assesses the impacts on the context and setting of heritage places in the vicinity of the site;~~
- ~~Addresses the retention, recording and interpretation of links to the site’s history and industrial past including interpretive panels depicting that past; and~~
- ~~Provides a siteline analysis and 3D modeling of the proposed development from key view points in the public realm to enable an assessment of the visual impact of the development on heritage places, in particular 26 Doonside Street.~~An application for a planning permit that includes residential or other sensitive uses must be accompanied by an acoustic assessment, prepared by a qualified acoustic consultant that demonstrates how the noise attenuation measures will achieve noise levels (within any noise sensitive area) in accordance with the Built Form Guidelines.-

DEVELOPMENT STAGING

A staging plan to provide an indication of the likely staging of the development of land, specifically:

- The expected sequencing of development;
- ~~The expected sequencing of works identified in the Public Realm Plan approved in accordance with this schedule;~~
The expected sequencing of works identified in the Public Realm Plan approved in accordance with this schedule;
- ~~Likely vehicle access points, road infrastructure works and traffic management; and~~
Likely vehicle access points, road infrastructure works and traffic management; and
- Interface/access treatments.

COMMUNITY CONSULTATION

The Development Plan ~~shall~~must be available for public inspection and submission for 28 days prior to its consideration by the Responsible Authority. Any submissions must be considered by the Responsible Authority in its decision.