

**351 - 353 Church Street, Richmond**

**Incorporated Document,**

**November 2017**

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

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## **1. INTRODUCTION**

This document is an Incorporated Document in the Schedule to Clause 52.03 and the Schedule of Clause 81.01 of the Yarra Planning Scheme (**the Scheme**).

This document gives effect to specific controls for the use and development of a Residential aged care facility on the land described below (**the Proposal**) pursuant to clause 52.03 of the Scheme.

In the event of any inconsistency between the specific controls contained in this document and any provision of the Scheme, the specific controls contained in this Incorporated Document will prevail.

## **2. ADDRESS OF THE LAND:**

The land is known as 351-353 Church Street, Richmond and described in Certificate of Title Volume 09441 Folio 758 on Plan of Subdivision 138330 (**the Land**).

## **3. PURPOSE:**

The purpose of this Incorporated Document is to permit the use and development of the Land for the purposes of the Proposal.

## **4. THIS DOCUMENT ALLOWS:**

Despite any provision to the contrary, or any inconsistent provision in the Scheme, no planning permit is required for, and no planning provision in the Scheme operates to prohibit, restrict or regulate the use or development of the Land for the purposes of, or related to, the use and development of the Land for the purposes of the Proposal.

The Proposal includes:

- the use of the Land for the purposes of a 'Residential aged care facility' as defined by Clause 74 of the Scheme;
- partial demolition of the existing heritage building on the Land in accordance with the plans endorsed by Council under this Incorporated Document; and
- construction of a multi-storey residential aged care facility on the Land in accordance with the plans endorsed by Council under this Incorporated Document,

subject to the conditions in Clause 6 of this Incorporated Document.

## **5. ENDORSED INCORPORATED PLANS:**

The plans endorsed in accordance with this Incorporated Document are the plans prepared by CHT Architects, 'MECWACARE 351 Church Street, Richmond', Revision C - plan numbers TP00 to TP44 (dated 4 November 2017) and include any amendments to those plans that may be approved by the Responsible Authority under the conditions of this Incorporated Document. Once approved, these plans will be known as the 'Endorsed Incorporated Plans'.

## **6. THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:**

## **Endorsed Incorporated Plans**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed under this document (**the Endorsed Incorporated Plans**). The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by CHT Architects, 'MECWACARE 351 Church Street, Richmond', Revision C - plan numbers TP00 to TP44 (dated 4 November 2017) but modified to show:
  - a) Changes required by the Landscape Plan in condition 6
  - b) Any changes required by the SMP in condition 9
2. The development as shown on the Endorsed Incorporated Plans must not be altered without the prior written consent of the Responsible Authority.
3. Without the prior written consent of the Responsible authority, no more than 80 lodging rooms are permitted on the land at any one time.
4. Finished floor levels shown on the Endorsed Incorporated Plans must not be altered or modified without the prior written consent of the Responsible Authority.

## **Ongoing architect involvement**

5. As part of the ongoing consultant team, CHT Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - a) oversee design and construction of the development; and
  - b) ensure the design quality and appearance of the development is realised as shown in the Endorsed Incorporated Plans or otherwise to the satisfaction of the Responsible Authority.

## **Landscaping**

6. Before the development starts, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the responsible authority. When approved, the amended Landscape Plan will be endorsed and will form part of this Incorporated Document. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by John Patrick Landscape Architects Pty Ltd (revisions c) and dated 23 May 2017 but modified to include (or show):
  - a) The location of the proposed "lightweight planter box".
  - b) Ground level
    - i. Permeable paving surrounding the Oak tree to ensure the roots are able to receive sufficient water.
    - ii. Delete the two eastern-most trees from the line of Capital Pears along the southern boundary,.
  - c) Level 2
    - i. plans for the level 2 rooftop terrace.
7. Before the building is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed Landscape Plan

must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

- a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
- b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

8. A cash bond for \$5,000 plus a non-refundable 5% service charge of \$250 shall be lodged with the Responsible Authority prior to the approval of the Landscape Plan to ensure the completion and establishment of landscaped areas. This cash bond will only be refunded upon the expiry of a 13 week establishment period, beginning when the Responsible Authority is satisfied with the completed landscaping works, and provided that the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

### **ESD Report**

9. Before the development starts, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this Incorporated Document. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Sustainable Built Environments Pty Ltd and dated 23/11/2016, but modified to include or show:
  - a) The relevant changes to the Endorsed Incorporated Plans
  - b) All relevant ESD features described and detailed in the SMP should be marked on an updated set of architectural drawings and landscape plans, including:
    - i. The 5m<sup>2</sup> of raingardens, and
    - ii. The 25 kW solar PV array.
10. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management**

11. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
12. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. All waste collection and recycling collection is to be undertaken in accordance with Council's Local Law No. 3.

### **Car Parking and Traffic**

13. The car parking area must be used for no other purpose to the satisfaction of the Responsible Authority.

### **Vehicle crossings and accessways**

14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - a) in accordance with any requirements or conditions imposed by Council;
  - b) at the permit holder's cost; and
  - c) to the satisfaction of the Responsible Authority.

### **Drainage**

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

### **Construction**

16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire Church Street footpath for the width of the property frontage if required by the Responsible Authority):
  - a) at the permit holder's cost; and
  - b) to the satisfaction of the Responsible Authority.
17. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

### **Amenity**

18. Any noise emanating from the development including plant and other equipment, must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority (EPA), to the satisfaction of the Responsible Authority.

### **Privacy screens**

19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the Endorsed Incorporated Plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

### **Tree Management Plan Required**

20. Before the development starts, an amended Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this Incorporated Document. The amended Tree Management Plan must be generally in accordance with the Tree Management Plan prepared by Tree Logic and dated 20 October 2015 and supplemented by an addendum report dated 11 November 2017, but modified to include (or show):
  - a) any changes resulting from the Endorsed Incorporated Plans
  - b) any changes resulting from the endorsed Landscape Plans

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

### **Lighting**

22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park, pedestrian walkway, and building entrances must be provided within the property boundary. Lighting must be:

- a) located;
- b) directed;
- c) shielded; and
- d) of limited intensity,

to the satisfaction of the Responsible Authority

### **Construction Management Plan**

23. Before development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this Incorporated Document. The plan must provide for:

- a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- b) works necessary to protect road and other infrastructure;
- c) remediation of any damage to road and other infrastructure;
- d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- e) facilities for vehicle washing, which must be located on the land;
- f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- g) site security;
- h) management of any environmental hazards including, but not limited to:
  - i. contaminated soil;
  - ii. materials and waste;
  - iii. dust;
  - iv. storm-water contamination from run-off and wash-waters;
  - v. sediment from the land on roads;
  - vi. washing of concrete trucks and other vehicles and machinery; and
  - vii. spillage from re-fueling cranes and other vehicles and machinery;
- i) the construction program;
- j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- k) parking facilities for construction workers;
- l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;

- n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
  - p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
    - i. using lower noise work practice and equipment;
    - ii. the suitability of the land for the use of an electric crane;
    - iii. silencing all mechanical plant by the best practical means using current technology;
    - iv. fitting pneumatic tools with an effective silencer;
    - v. other relevant considerations; and
    - vi. any site-specific requirements.
  - q) any storm-water discharged into the storm-water drainage system must be in compliance with Environment Protection Authority guidelines;
  - r) storm-water drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the storm-water drainage system;
  - s) vehicle borne material must not accumulate on the roads abutting the land;
  - t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
24. If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.
25. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Construction hours and noise**

26. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### **7. EXPIRY**

27. The controls in this Incorporated Document expire if any one of the following circumstances applies:
- a) The development allowed by the controls is not commenced within two (2) years from the date of approval of Amendment C225 to the Yarra Planning Scheme.



- b) The development allowed by the controls is not completed within four (4) years from the date of approval of Amendment C225 to the Yarra Planning Scheme.

The Responsible Authority may extend the periods referred to if a request is made in writing before these controls expire or within 6 months afterwards in the case of the commencement of the development, or within twelve months afterwards in the case of the completion of the development.

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**Notes:**

The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority. Please contact Council's Building Services on 9205 5585 for further information.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

All future property owners, residents, business owners and employees within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5166.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

**End of Document**