



Department of Environment, Land, Water and Planning

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Vijaya Vaidyanath
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CC: mary.osman@yarracity.vic.gov.au, Manager Statutory Planning

Dear Ms Vaidyanath

36-52 WELLINGTON STREET, COLLINGWOOD – PROPOSED PLANNING SCHEME AMENDMENT C285yara

I am writing to you regarding the proposed development of 36-52 Wellington Street, Collingwood (PLN19/0450, Victorian Civil and Administrative Tribunal proceeding P2384/2019), which has been referred to the Minister for Planning by the Building Victoria's Recovery Taskforce (BVRT).

The BVRT has been established to help keep the state's building and development industry running through the coronavirus (COVID-19) pandemic. The BVRT invited the development and construction industry to submit applications for the potential fast tracking of planning approvals for projects of state and regional significance that are shovel-ready but experiencing delays. The proposed development at 36-52 Wellington Street, Collingwood, has been identified by the BVRT as one that meets the development facilitation process and criteria, and has subsequently been referred to the Minister for Planning for facilitation.

To facilitate the proposed development, the Minister for Planning is considering preparing an amendment to the Yarra Planning Scheme under section 20(4) of the *Planning and Environment Act 1987* to amend the Schedule to Clause 45.12 'Specific Controls Overlay' to apply an Specific Controls Overlay SCO13 to the site, insert the incorporated document '36-52 Wellington Street, Collingwood, Incorporated Document July 2020' and make other associated changes to the planning scheme, to facilitate the development generally as proposed as part of Yarra planning permit application PLN19/0450. A copy of the draft amendment is enclosed.

The Incorporated Document which forms part of the amendment has been drafted based on the draft conditions outlined in your council's Internal Development Approvals Committee Agenda dated 11 March 2020 and the application information provided by the BVRT.

Before deciding whether to prepare, adopt and approve the proposed amendment, I am seeking council's views under section 20(5) of the Act about the proposed development of the site and the drafting of the proposed amendment.

Please provide your written statement to stateplanning.services@delwp.vic.gov.au within **ten business days** of the date of this letter.

If you would like to discuss this matter further, please contact Matt Cohen, Director, Development Facilitation Team, Department of Environment, Land, Water and Planning on 0409 346 522 or at matthew.cohen@delwp.vic.gov.au.

Yours sincerely

A handwritten signature in blue ink that reads "Jane Homewood".

Jane Homewood
Executive Director, Statutory Planning Services

06 / 08 / 2020

Encl.

YARRA PLANNING SCHEME

AMENDMENT C285yara

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

Land affected by the amendment

The amendment applies to 36-52 Wellington Street, Collingwood (as shown on the map below). The site comprises three allotments described as:

- Lot 1 on TP810148 (No. 36 Wellington Street)
- Lot 1 on TP810151 (No. 38-46 Wellington Street)
- Lot 1 on PS508232 (No. 48-52 Wellington Street).



Map 1: aerial photo showing subject land, 36-52 Wellington Street, Collingwood.

What the amendment does

The amendment applies a Specific Controls Overlay to 36-52 Wellington Street, Collingwood to facilitate the development of a multi (15) storey office building, use of the land for food and drink premises and a reduction in car parking requirements, generally as proposed by planning permit application PLN19/0450 (Yarra City Council). The amendment fast tracks the approvals process under the Building Victoria's Recovery Taskforce established to aid the economic recovery post-COVID-19.

Specifically, the amendment makes the following changes to the planning scheme:

- Amends the Schedule to Clause 45.12 Specific Controls Overlay to apply SCO13 and the Incorporated Document "36-52 Wellington Street, Collingwood" to the site to facilitate the development of the land for a multi (15) storey office building, food and drink premises and a reduction in car parking requirements, generally as proposed by planning permit application PLN19/0450 (Yarra City Council).

- Amends the Schedule to Clause 72.04 Documents incorporated in this planning scheme to insert the Incorporated Document “36-52 Wellington Street, Collingwood, Incorporated Document, July 2020”.
- Inserts Planning Scheme Map No. 6SCO to apply SCO13 to the subject land.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to facilitate the development of the site to provide immediate benefits to Victoria's economy, keeping Victorians in work and significant building and construction projects on track for completion. The Victorian Government has identified Victoria's building and construction sector as a key mechanism to revitalise Victoria's economy during the coronavirus (COVID-19) pandemic.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria under Section 4 of the *Planning and Environment Act 1987* as follows:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- (g) to balance the present and future interests of all Victorians.

How does the amendment address any environmental, social and economic effects?

The amendment will facilitate the delivery of a development that will stimulate the Victorian economy during the COVID-19 pandemic.

The project proposes a capital expenditure of approximately \$214 million with an estimated 600 construction/design jobs and 2,000 ongoing jobs on completion.

The proposed sustainability principles, priorities and benchmarks for the project have been developed based on the City of Yarra Built Environment Sustainability (BESS) assessment process and industry best practice. The proposal achieves a BESS score of 59% (higher than the Best Practice score of 50%). The development is also benchmarked against a 5 star rating under the Green Building Council of Australia's (GBCA) Green Star Design and As-Built (v1.2) rating tool, representing Australian Excellence in Sustainability. Sustainability initiatives have been proposed that will reduce ongoing operational energy, while providing a working environment with a focus on high indoor environmental quality that will attract and retain tenants.

The proposal includes landscape upgrades for a new urban plaza on Wellington Street, including a colonnade edge, paving, seating and street tree provision. These upgrades will create new shared space, reduce traffic speeds and activate the street frontages.

Given the dire economic circumstances created by the COVID-19 pandemic, stimulus of the Victorian economy is urgently required. Delays in facilitating the development would stand in the way of realising its economic and social benefits, which include investment and job creation. The use of the exemption would bring forward the investment and job creation in a circumstance where it is urgently required.

The economic and social benefits to Victorians that flow from the development, both presently and in the future, are in the interests of Victoria and achieve a net community benefit.

Does the amendment address relevant bushfire risk?

The land is not within or near a designated Bushfire Prone Area or a Bushfire Management Overlay.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment has been prepared in accordance with the Ministerial Direction – The Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment addresses the required strategic assessment guidelines, as discussed in this report and in accordance with the Ministerial Direction No. 11 Strategic Assessment of Amendments.

The amendment complies with Ministerial Direction No. 9 Metropolitan Planning Strategy, as it facilitates the development of the site in accordance with the directions contained within *Plan Melbourne: 2017-2015*. Specifically, the amendment supports:

- Outcome 1 by attracting investment and creating jobs.
- Outcome 3 by maximising development alongside Melbourne’s integrated transport system.
- Outcome 4 by facilitating a development with quality design and amenity outcomes.
- Outcome 5 by delivering a project that will contribute towards a vibrant and healthy neighbourhood.
- Outcome 6 by promoting Melbourne as a sustainable and resilient city.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports and implements the following policy objectives of the of the Planning Policy Framework:

Clause 11 – Settlement

Clause 11.01 Victoria

Clause 15 Built Environment and Heritage

Clause 15.01 - Built Environment

Clause 17 Economic Development

Clause 17.01 – Employment

Clause 17.02 – Commercial

Clause 18 Transport

Clause 18.01 – Integrated Transport

The amendment provides infill development that delivers new employment floorspace while appropriately managing off-site amenity impacts. Built form response is consistent with the evolving character within the surrounding area. Appropriate setbacks from heritage places have been incorporated, including from the nearby Silos Complex. The site is located close to existing transport infrastructure.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment supports and implements the following policy objectives of the Municipal Strategic Statement and local Planning Policy Framework:

Clause 21.02 Municipal Profile

Clause 21.03 Vision

Clause 21.04 Land Use

Clause 21.05 Built Form

Clause 21.06 Transport

Clause 21.07 Environmental Sustainability

Clause 21.08 Neighbourhoods (Collingwood)

Clause 22.05 Interface Uses Policy

Clause 22.10 Built Form and Design Policy

Clause 22.16 Stormwater Management (Water Sensitive Urban Design)

Clause 22.17 Environmentally Sustainable Development

The amendment increases commercial and employment opportunities in an existing inner metropolitan commercial area. The development responds to the emerging and preferred built form character of the local area, is located close to public transport infrastructure and incorporates landscape amenity improvements. Environmentally sustainable design features are incorporated into the built form response and operational performance of the development.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions to facilitate the project, specifically, Clause 45.12 and Clause 72.04.

The purpose of Clause 45.12 is to apply specific controls to achieve a particular use and development outcome. The specific controls in this amendment are set out in the incorporated document and allow the use and development of the relevant land for the project, in accordance with the conditions in the incorporated document.

The use of this provision is appropriate because the project will have significant economic and social benefits that are urgently required, and the incorporated document will allow the project to be delivered in a coordinated, consistent and timely manner under a single planning control.

How does the amendment address the views of any relevant agency?

The views of Yarra City Council will be considered in the preparation of this amendment following consultation under section 20(5) of the *Planning and Environment Act 1987*.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is consistent with the vision for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible state.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

It is anticipated that the amendment will not have a significant impact on the administrative costs or resources of the responsible authority.

Where you may inspect this amendment

The amendment can be inspected free of charge at the City of Yarra website at www.yarracity.vic.gov.au

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected			Mapping Reference
Collingwood	36-52 Collingwood	Wellington	Street,	Yarra C285 001scoMap6

DRAFT

Planning and Environment Act 1987

YARRA PLANNING SCHEME

AMENDMENT C285yara

INSTRUCTION SHEET

The planning authority for this amendment is the Minister for Planning.

The Yarra Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of one attached map sheet.

Overlay Maps

1. Insert new Planning Scheme Map No. 6SCO in the manner shown on the attached map marked “Yarra Planning Scheme, Amendment C285yara”.

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In **Overlays** – Clause 45.12, replace the Schedule with a new Schedule in the form of the attached document.
3. In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.



End of document

YARRA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C285yara



LEGEND

-  SCO13 - Specific Controls Overlay - Schedule 13
-  Local Government Area



Part of Planning Scheme Map 6SCO

Disclaimer

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Environment,
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SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

1.0

Specific controls

20/04/2020 --/--/----
G265yaraProposed C285yara

PS Map Ref	Name of incorporated document
SCO1	351-353 Church Street, Richmond – Incorporated Document, February 2019
SCO2	520 Victoria Street, 2A Burnley Street and 2-30 Burnley Street, Richmond, Burnley Street West Precinct, Incorporated Plan, 2012
SCO3	10 Bromham Place, Richmond Incorporated Document, February 2013
SCO4	Fitzroy Former Gasworks Site Incorporated Document, February 2018
SCO5	Caulfield Dandenong Rail Upgrade Project, Incorporated Document, April 2016
SCO6	Flying Fox Campsite, Yarra Bend Park, December 2004
SCO7	Tramway Infrastructure Upgrades Incorporated Document, May 2017
SCO9	Specific Site and Exclusion – Lot 2 on PS433628L (452 Johnston Street, Abbotsford)
SCO12	North East Link Project Incorporated Document, December 2019
SCO13	36-52 Wellington Street, Collingwood - Incorporated Document, July 2020'

SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME**1.0****Incorporated documents**48/06/2020 --/--/----
G220yaraProposed C285yara

Name of document	Introduced by:
5-15 Mayfield Street, Abbotsford, Incorporated Document, October, 2018	C188
10 Bromham Place, Richmond Incorporated Document, February 2013	C171
18-62 Trenerry Crescent, Abbotsford (Incorporated Plan, May 2018)	C218
32-68 Mollison Street and 61-69 William Street, Abbotsford July 2013	C170
36-52 Wellington Street, Collingwood - Incorporated Document, July 2020'	C285yara
351-353 Church Street, Richmond – Incorporated Document, February 2019	C225
520 Victoria Street, 2A Burnley Street, and 2 – 30 Burnley Street, Richmond, Burnley Street West Precinct - Incorporated Plan, 2012	C150
Atherton Gardens – Fitzroy, September 2010	C136
Caulfield Dandenong Rail Upgrade Project, Incorporated Document, April 2016	GC37
Chandler Highway Upgrade Incorporated Document, March 2016 (Amended December 2017)	GC80
City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8, revised May 2019	C220yara
Cremorne Balmain Dover Street Project	NPS1
Crown Land Car Park Works, Burnley, August 2005	C92
Fitzroy Former Gasworks Site, Incorporated Document, February 2018	C242
Flying Fox Campsite, Yarra Bend Park, December 2004	C90
Hurstbridge Rail Line Upgrade 2017 Incorporated Document, January 2017	GC60
Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	C178
Local Policy "Protection of Biodiversity" Sites of Remnant Vegetation (Biosis 2001)	C49
Melbourne City Link Project – Advertising Sign Locations, November 2003	VC20
Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document, May 2018	GC96
North East Link Project Incorporated Document, December 2019	GC98
Planning and Design Principles for the Richmond Maltings Site, Cremorne – November 2007	C101
Richmond Walk Up Estate Redevelopment, September 2010	C136
Social housing redevelopment; Atherton Gardens Estate, Fitzroy, and Richmond Public Housing Estate, Richmond, for which the Minister for Planning is the Responsible Authority, May 2010	C135
Specific Site and Exclusion – Lot 2 on PS433628L (452 Johnston Street, Abbotsford	C56
Swan Street Works, Burnley, June 2005	C91
Tramway Infrastructure Upgrades Incorporated Document, May 2017	GC68
Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area	C7

YARRA PLANNING SCHEME

Name of document	Introduced by:
Victoria Gardens Urban Design Guidelines	NPS1
Victorian Institute of Forensic Psychiatry Concept Plan (January 1997)	NPS1
Yarra Gardens Precinct Plan, December 2009	C128

YARRA PLANNING SCHEME
INCORPORATED DOCUMENT

36-52 Wellington Street, Collingwood

July 2020

1.0 INTRODUCTION

This document is an incorporated document in the Yarra Planning Scheme (the planning scheme), under section 6(2)(j) of the *Planning and Environment Act 1987*.

This incorporated document facilitates the development of a multi (15) storey office building, use of the land for food and drink premises and a reduction in car parking requirements at 36-52 Wellington Street, Collingwood (the project).

The control in this document prevails over any contrary or inconsistent provision in the planning scheme.

2.0 PURPOSE

The purpose of this incorporated document is to permit and facilitate the use and development of the land described in Clause 3.0 of this document for the purposes of the project generally in accordance with the Incorporated Plans approved under Clause 6.0 of this incorporated document..

3.0 LAND

This document applies to land at 36-52 Wellington Street, Collingwood that is affected by the Specific Controls Overlay (SCO13) as shown on Planning Scheme Map 6SCO in the planning scheme and identified in Figure 1 below.



4.0 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

Despite any provision to the contrary or any inconsistent provision in the planning scheme, no planning permit is required for, and no planning provision in the planning scheme operates to prohibit, restrict or regulate the use and development of land for the purposes of the project permitted by this document, with the exception of the provisions of Clause 52.05 Signs which continue to apply..

5.0 THIS DOCUMENT ALLOWS

The Incorporated Document allows for the development of a multi (15) storey office building, use of the land for food and drink premises and a reduction in car parking requirements, generally in accordance with the following plans and reports but modified to include changes, or be authored, as required under Clause 6.0 of this Incorporated Document:

- TP0-100 – TP9-101 dated 31 January 2020, prepared by Jackson Clements Burrows Architects
- Green Travel Plan, AECOM, 27 August 2019
- Acoustic Report, AECOM, 28 June 2019
- Landscape Town Planning Report, Openwork, 10 September 2019
- Sustainable Management Plan, AECOM, 28 June 2019
- Pedestrian Wind Environment Statement, Windtech, 21 August 2019
- Traffic Impact Assessment, AECOM, 27 August 2019
- Waste Management Plan, AECOM, 15 August 2019

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

6.0 THE FOLLOWING REQUIREMENTS APPLY TO THIS DOCUMENT:

6.1. Amended plans

1. Before the development commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of this Incorporated Document. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with, TP0-100 – TP9-101 dated 31 January 2020, prepared by Jackson Clements Burrows Architects, but modified to show:
 - (a) The height of the western portion of the building reduced by increasing the setback of Level 12 by 11m from the western boundary (i.e. to match Level 13), with subsequent relocation of the Level 13 terrace to Level 12;
 - (b) Café relabelled as 'Food and Drink (café) Tenancy 1' and the food and drink premises relabelled as 'Food and Drink Tenancy 2'.
 - (c) Size of the rainwater tank to be annotated;
 - (d) Timber frame construction to be referenced on the section drawings;
 - (e) A pedestrian sightline triangle (2m x 2.5m) to be superimposed on the drawings at the exit point from the site;
 - (f) Columns that are non-compliant with Diagram 1 of clause 52.06-9 repositioned or redesigned to not encroach upon the parking space;
 - (g) 1:8 transition grades at the base of vehicle ramps to be a minimum of 2.5m in length;
 - (h) Revised vehicle crossover cross-sectional drawing in accordance with the City of Yarra Vehicle Crossings Information Sheet demonstrating that a 99th percentile vehicle profile can traverse the crossover;
 - (i) Changes as a result of the road safety audit if required by the responsible authority;
 - (j) Minimum 1.5m wide footpath area clear of any obstructions (e.g. street furniture, bicycle parking areas, street tree pits etc.) identified along Northumberland Street;
 - (k) Minimum 3.5m clearance in radius is provided from the existing street trees along Wellington Street;
 - (l) Roof top services screen modified from white to be a light grey colour finish; (m) Additional staff bicycle spaces to achieve BESS best practice (i.e. total of 186);
 - (n) Any requirement of the endorsed Façade Strategy and materials and Finishes plan, where relevant to show on the plans in accordance with clause 4;
 - (o) Any requirement of the endorsed Sustainable Management Plan, where relevant to shown on plans in accordance with Clause 9;

- (p) Any requirement of the endorsed Waste Management Plan, where relevant to show on plans in accordance with Clause 12;
 - (q) Any requirement of the endorsed Acoustic Report, where relevant to show on plans in accordance with Clause 15;
 - (r) Any requirement of the endorsed Wind Report, where relevant to show on plans in accordance with Clause 19; and
 - (s) Any requirement of the endorsed Landscape Plan, where relevant to shown on plans in accordance with Clause 17.
- 2. The use and development as shown on the Incorporated Plans must not be altered without the prior written consent of the responsible authority.
 - 3. As part of the ongoing consultant team, Jackson Clements Burrows 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 Incorporated Plans or otherwise to the satisfaction of the responsible authority.

Façade Strategy

- 4. In conjunction with the submission of development plans under Clause 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority.

When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this Incorporated Document. This must detail:

- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details including:
 - (i) the use of actual bricks (i.e. not snaplock) within the podium
 - (ii) timber frame construction.
- (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
- (c) information about how the façade will be maintained; and
- (d) a sample board and coloured drawings outlining colours, materials and finishes.

Food and drink premises use

- 5. Except with the prior written consent of the responsible authority, the food and drink premises (incl. café) may only operate between the hours of 7.00 am and 6.00 pm, seven days per week.
- 6. No more than 20 patrons are permitted within the Food and Drink (café) Tenancy 1 at any one time.
- 7. No more than 130 patrons are permitted within Food and Drink Tenancy 2 at any one time.
- 8. The provision of music and entertainment within the food and drink premises (incl. café) must be at a background noise level.

Sustainable Management Plan

- 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 the

Incorporated Plans. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by AECOM prepared on 28 June 2019, but modified to include or show:

- (a) A more comprehensive shading strategy
 - (b) Daylight modelling for a typical floor
 - (c) U-Value, Solar Heat Gain Coefficient and Visible Light Transmission of the glazing solution proposed
 - (d) Preliminary energy modelling report
 - (e) Supporting details for Thermal Performance based on façade properties
 - (f) Supporting data for Greenhouse Gas reduction credits
 - (g) Solar photovoltaic system capacity
 - (h) Landscaping shown on terraces to be included in BESS scope
 - (i) A statement addressing how the building design has mitigated urban heat island impacts.
10. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the responsible authority.
11. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, a report from the author of the Sustainability Management Plan, approved under this Incorporated Document, or similarly qualified person or company, must be submitted to the Responsible Authority.

The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the endorsed Sustainability Management Plan pursuant to Clause 9 have been implemented, including a 5-star Green Star rating.

Waste Management Plan

12. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of the Incorporated Plans. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by AECOM, dated 15 August 2019, but modified to include (or show/address):
- (a) Reduce the number of waste collections required;
 - (b) Detail on managing hard waste;
 - (c) An explanation on how risk associated with the waste management and collection process will be managed.
 - (d) A clause that would require the review of the waste management plan if the operational requirements are to change.
13. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the responsible authority.
14. The collection of waste from the site must be by private collection, unless with the prior written consent of the responsible authority.

Acoustic report

15. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the responsible authority. When approved, the amended Acoustic Report will be endorsed and will form part of the Incorporated Plans. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by AECOM, dated 28 June 2019, but modified to include (or show, or address):
 - (a) The exact locations of all sensitive receiver locations clearly indicated in the report;
 - (b) SEPP N-1 noise limits determined from all receivers potentially affected by noise from the development;
 - (c) an assessment of noise from all mechanical plant and equipment to be conducted during the detailed design phase of the project, to ensure that SEPP N-1 noise limits are not exceeded.
16. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the responsible authority.

Landscape Plan

17. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of the Incorporated Plans.

The Landscape Plan must be generally in accordance with the Landscape Town Planning Report prepared by Openwork, dated 10 September 2019, but modified to include (or show):

- (a) planting within the title boundaries;
 - (b) the planter boxes extended along the southern side of the Level 4 terrace;
 - (c) detailed planting plan showing the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (d) confirm plants are not on the DELWP Advisory List of Environmental Weeds in Victoria;
 - (e) detail of supporting structures for any vertical and cascading plants (if proposed);
 - (f) provide a specification of works to be undertaken prior to planting;
 - (g) detail plant/planting maintenance schedules and requirements to the satisfaction of the responsible authority.
18. Before the development is occupied, or by such later date as approved in writing by the responsible authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants to the satisfaction of the responsible authority.

Wind Assessment Report

19. Before the development starts, a Wind Assessment Report to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Wind Assessment Report will be endorsed and will form part of the Incorporated Plans. The Wind Assessment must address (include/show):

- (a) Wind tunnel testing to verify the assumptions within Pedestrian Wind Environment Statement, Windtech, 21 August 2019;
 - (b) Achieve recommended criteria without the reliance on vegetation
20. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the responsible authority.

Public Realm works

21. Before the development starts, an amended Public Realm Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the Public Realm Plan will be endorsed and will then form part of the Incorporated Plans. The public realm works must be generally in accordance with the Landscape Town Planning Report prepared by Openwork, dated 10 September 2019, but modified to show:
- (a) Clear distinction between existing and proposed street trees.
 - (b) Street tree planting along Northumberland Street to have regard to:
 - (i) any underground services
 - (ii) shading from the development to the north
 - (iii) soil volumes
 - (iv) root impact on surface treatments.
 - (c) Minimum 1.5m wide footpath area adjacent Northumberland Street that is clear of any obstructions (e.g. street furniture, bicycle parking areas, street trees pits etc).
 - (d) On-street parking bays and line marking that are impacted by the proposal.
 - (e) Existing and proposed power/light poles.
 - (f) Spot levels, falls/grading along the footpath interfaces.
 - (g) Indication of surface drainage type, locations and materiality
 - (h) Clarify whether tactile indicators and/or handrails are required and demonstrate that these will not obstruct any desired pedestrian line of travel.
 - (i) Replace brick pavers within in the public realm (incl. road) with an alternative material in accordance with the City of Yarra's Public Domain Manual and smooth for cyclists.
 - (j) Delineation of the title boundaries (e.g. non slip/trip metal banding).
 - (k) Delete the planter box seat next to the vehicle entrance.
 - (l) Provision for 5 bicycle hoops and a bench seat along Wellington Street in accordance with the City of Yarra's Public Domain Manual.
 - (m) Bicycle hoops along Northumberland Street and Wellington Street to be angled to maximise the pedestrian accessway width.
 - (n) Heritage interpretation programme to include signage near the corner of Northumberland and Wellington Streets that provides a brief illustrated history of the old Victoria Distillery.
 - (o) The raised concrete barrier for the 'Copenhagen bicycle lane' extended across the reinstated vehicle crossing and any subsequent lane marking/painting.
22. The public realm works shown on the endorsed Public Realm Plan must be carried out and completed before the development is occupied or by such later date as approved in writing by the responsible authority, at the permit holder's cost and to the satisfaction of the responsible authority.

23. Prior commencement of the development authorised by this Incorporated Document, or at a later date if agreed in writing by the responsible authority, 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 provides for the following:

- (a) Minimum 1.5m wide footpath area adjacent to Northumberland Street as shown on the Incorporated Plans pursuant to clause 1 of this Incorporated Document must remain unobstructed and maintained by the owner in good order, at no cost to the council, to the satisfaction of the responsible authority. The owner, or other person in anticipation of becoming the owner, must meet all the expenses of the preparation and registration of the agreement, including the responsible authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

Road Infrastructure

24. Prior to the endorsement of plans, a Road Safety Audit must be provided to assess and provide recommendations on the following:

- (a) How conflicts will be managed at the western end of Northumberland Street when parked cars are present.

25. Before the development 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 the council;
- (b) at the permit holder's cost;
- (c) to the satisfaction of the responsible authority.

26. Before the building is occupied, or by such later date as approved in writing by the responsible authority, any redundant vehicular crossings must be demolished and re-instated as standard footpath and kerb and channel:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the responsible authority.

27. Before the development is occupied, or by such later date as approved in writing by the responsible authority, any damage to council infrastructure resulting from the development reinstated:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the responsible authority.

28. All road pavement reinstatements must be consolidated as single full-width areas of reinstatement to reduce further construction joints in the pavement.

Car parking

29. Before the development is occupied, or by such later date as approved in writing by the responsible authority, the area set aside on the Incorporated Plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) constructed and available for use in accordance with the Incorporated Plans;
- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) line-marked or provided with some adequate means of showing the car parking spaces to the satisfaction of the responsible authority.

Green Travel Plan

30. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the amended Green Travel Plan will be endorsed and will form part of the Incorporated Plans. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by AECOM, dated 27 August 2019, but must include the following:
- (a) Types of lockers within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (b) Security arrangements to access the employee bicycle storage space; and
 - (c) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
31. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the responsible authority.

Lighting

32. Before the development is occupied, or by such later date as approved in writing by the responsible authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneway must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity to the satisfaction of the responsible authority.

General

33. Finished floor levels shown on the Incorporated Plans must not be altered or modified without the prior written consent of the responsible authority.
34. The amenity of the area must not be detrimentally affected by the construction and use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil; or
 - (d) the presence of vermin to the satisfaction of the responsible authority.
35. Before the development is occupied, or by such later date as approved in writing by the responsible authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the responsible authority.
36. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
37. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
38. 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 7.00 am or after 6.00 pm;

(b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9.00am or after 3.00pm; or

(c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Tree Management Plan

39. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of the Incorporated Plans. The Tree Management Plan must make recommendations for:

(a) the protection of the street trees adjacent to the Wellington Street frontage;

(i) pre-construction;

(ii) during construction; and

(iii) post construction

(b) the provision of any barriers;

(c) any pruning necessary; and

(d) watering and maintenance regimes, to the satisfaction of the Responsible Authority.

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

Construction Management

41. Before the development starts, a Construction Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. When approved, the plan will be endorsed and will form part of the Incorporated Plans. The plan must provide for:

(a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council road frontages and nearby road infrastructure;

(b) works necessary to protect road and other infrastructure;

(c) remediation of any damage to road and other infrastructure;

(d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;

(e) facilities for vehicle washing, which must be located on the land;

(f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;

(g) site security;

(h) management of any environmental hazards including, but not limited to:

(i) contaminated soil;

(ii) materials and waste;

(iii) dust;

(iv) stormwater contamination from run-off and wash-waters;

(v) sediment from the land on roads;

(vi) washing of concrete trucks and other vehicles and machinery;

- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the responsible authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the responsible authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
 - (vi) any site-specific requirements.

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (r) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (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.

Time expiry

42. Notwithstanding other provisions of these requirements, the development permitted by this Incorporated Document will expire if one of the following circumstances applies:
 - The development is not started within one year of the date of the gazettal of Amendment C285 Yarra 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.

Notes:

A building permit maybe required before development is commenced. Please contact the council's Building Services on 9205 5555 to confirm.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact the council's Construction Management Branch on 9205 5555 for further information.

Provision must be made for drainage of the site to a legal point of discharge. Please contact the council's Building Services on 9205 5555 for further information.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on the council property will be accepted. All future employees within the development approved under this Incorporated Document will not be permitted to obtain employee or visitor parking permits.

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