



## Department of Environment, Land, Water and Planning

PO Box 500, East Melbourne,  
Victoria 8002 Australia  
[delwp.vic.gov.au](http://delwp.vic.gov.au)

Cr Misha Coleman  
Mayor  
Yarra City Council  
[mayor@yarracity.vic.gov.au](mailto:mayor@yarracity.vic.gov.au)

“

Dear Cr Coleman

### **462-482 SWAN STREET, RICHMOND – PROPOSED PLANNING SCHEME AMENDMENT C282yara**

I am writing to you regarding the proposed development of 462-482 Swan Street, Richmond (PLN20/0006) 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 462-482 Swan Street, Richmond, 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 '462-482 Swan Street, Richmond 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 application PLN20/0006. 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 Councils Internal Development Approvals Committee Agenda dated 1 July 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](mailto: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](mailto: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**

17 / 07 / 2020

Encl.

## **YARRA PLANNING SCHEME**

### **AMENDMENT C282yara**

#### **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 462-482 Swan Street, Richmond (as shown on the map below).

The subject land comprises six addresses and nine titles:

- 462 Swan Street, Richmond (Lot 1 TP 121471V)
- 464 Swan Street, Richmond (Lot 2 PS 052088)
- 466 Swan Street, Richmond (Lot 3 PS 052088)
- 468 Swan Street, Richmond (Lot 4 PS 052088)
- 470 Swan Street, Richmond (Lot 5 PS 052088)
- 476 –482 Swan Street, Richmond (Crown Allotment 28 City of Richmond Parish of Jika Jika, Lot 1 TP 686295P, Lots 1&2 TP 592681C and Portion 29 Parish of Jika Jika).



Map 1: aerial photo showing subject land, 462-482 Swan Street, Richmond

## What the amendment does

The amendment applies a Specific Controls Overlay to 462-482 Swan Street, Richmond to facilitate the development of a 13 storey mixed use building, consisting of office and retail uses, generally as proposed by planning application PLN20/006 (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 "462-482 Swan Street, Richmond" to the site to facilitate the development of the land for a 13 storey mixed use building generally as proposed by planning application PLN20/006 (Yarra City Council). Amends the Schedule to Clause 72.03 *What does this scheme consist of?* to include Planning Scheme Map No. 9SCO.
- Amends the Schedule to Clause 72.04 Documents incorporated in this planning scheme to insert the Incorporated Document "462-482 Swan Street, Richmond, Incorporated Document, July 2020".
- Inserts Planning Scheme Map No. 9SCO 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 \$323 million with an estimated 530 construction/design jobs and 3000 ongoing jobs on completion.

The building will achieve a minimum 5 Star Green Star rating and is close to meeting Yarra's Best Practice ESD standards, with a requirement for a zero net carbon performance standard. While landscaping is not a typical feature of commercial buildings in Richmond, the proposal provides landscaping above ground level in the form of planter boxes along the perimeters of outdoor terraces and three vertical gardens on the norther, southern and western elevations of the building. At ground level additional street trees are proposed, and where the development interfaces with the existing station ramp access points, a landscaped terrace is proposed with low level plantings to soften the appearance of the building at the pedestrian level. The development will deliver significant

improvements to the pedestrian environs and public realm along the Swan Street Activity Centre, Burnley Street and to the site's interface with Burnley Train Station.

The proposal includes a portion of affordable commercial space, to be provided for co-working space/social enterprise space/office space for creative design tenant(s) or investment in an Aboriginal Employment Program, supporting the objectives of the Melbourne Industrial and Commercial Land Use Plan (MICLUP).

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, is in the interest of Victorians and achieves 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. It is considered that the amendment will not increase any risk to human life or property from bushfire.

#### **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 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: 2017-2050. 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?**

Clause 11 –Settlement

Clause 11.02 - Managing growth

Clause 11.02-1S Supply of urban land

The development meets the objective of ensuring a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses by providing commercial and retail floorspace that meets the needs of the local community.

Clause 11.03 Planning for places

Clause 11.03-1S Activity centres

The development meets the objective of encouraging the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

#### Clause 11.03-1R Activity centres – Metropolitan Melbourne

The development meets the objectives to support the development and growth of Metropolitan Activity Centres, by accommodating growth in retail and office floorspace, making efficient use of infrastructure, locating adjacent to existing public transport services, providing good connectivity for a regional catchment, providing high levels of amenity, and locating administrative facilities in an activity centre with good public transport.

#### Clause 13.04-1S – Contaminated and potentially contaminated land

The Environmental Audit Overlay is in place on the subject land to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely. None of the proposed uses of the subject land are 'sensitive uses', including food and drink premises and office.

#### Clause 13.07 Amenity and safety

##### Clause 13.07-1S – Land use compatibility

The development meets the objective to safeguard community amenity while facilitating appropriate commercial or other uses with potential off-site effects.

#### Clause 15 – Built environment and heritage

##### Clause 15.01-1S Urban design

##### Clause 15.01-1R Urban design – Metropolitan Melbourne

*Urban Design Guidelines for Victoria* (DELWP, 2017)

##### Clause 15.01-4R Healthy neighbourhoods – Metropolitan Melbourne

##### Clause 15.01-5S Neighbourhood character

#### Clause 15.02 Sustainable development

##### Clause 15.02-1S Energy efficiency

The development will provide a high-quality urban design outcome that positively responds to the surrounding character and context of the place. Further, the development is functional and accessible, contributing to a liveable and sustainable neighbourhood and enhancing the function and amenity of the public realm. In allowing safe access to walking and cycling environments as well as public transport, the development promotes environmentally sustainable outcomes. By increasing the density in a major activity centre that is well accessed by tram routes, and rail, the development complies with the principal of 20-minute neighbourhoods by providing services and retail uses and increasing local employment opportunities.

#### Clause 17 – Economic development

##### Clause 17.01 - Employment

##### Clause 17.01-1S Diversified economy

##### Clause 17.02 - Commercial

##### Clause 17.02-1S Business

The development will contribute to the economic wellbeing of the state and foster economic growth with the provision of a supermarket as well as retail and office floorspace. The development provides additional employment and improves access to jobs closer to where people live. The development has an attractive level of amenity for businesses and workers and is supported by good public transport services and walking and cycling opportunities.

Clause 18 –Transport

Clause 18.02 - Movement networks

Clause 18.02-1S Sustainable personal transport

Clause 18.02-1R Sustainable personal transport – Metropolitan Melbourne

Clause 18.02-2S Public Transport

Clause 18.02-2R Principal public transport network

Clause 18.02-4S Car parking

The development is supported by the existing transport system, such that it provides access to social and economic opportunities and contributes to environmental sustainability. The development maximises the density of development along the Principal Public Transport Network, promoting the greater use of public transport. The employment outcomes are well supported by public transport as well as walking and cycling opportunities that are safe and attractive.

#### Melbourne Industrial and Commercial Land Use Plan (MICLUP)

The MICLUP provides an overview of current and future needs for industrial and commercial land across metropolitan Melbourne and puts in place a planning framework to support state and local government to more effectively plan for future employment and industry needs, and better inform future strategic directions.

The site is identified at Map 5 of the MICLUP as being within a regionally significant existing commercial area.

The MICLUP identifies the following as the role of regionally significant commercial areas:

*These include commercial areas and places identified in Plan Melbourne as major activity centres as well as growth area business with residential precincts identified in Growth Corridor Plans. They should provide for and support access to a wide range of goods and services, including office and retail development, and provide for a wide range of employment opportunities. They are expected to deliver more intensive forms of employment uses including office and commercial activity.*

The MICLUP anticipates an additional 4 million square metres of commercial floor space will be required across the Inner Metro Region by 2031. Of this, approximately 3.3 million square metres is anticipated to be required for office uses and the remaining floor space to be allocated for retail. Whilst the City of Melbourne is anticipated to accommodate the majority of the additional floor spaces required, the City of Yarra is expected to provide, in addition to the existing 933,400sqm of commercial floor space identified in 2018, an additional 548,000sqm of commercial floor space by 2031.

Action 7 of the MICLUP identifies the need for the state government to investigate options available to preserve and create affordable workspaces in inner Melbourne.

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

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

Clause 21.04-2 Activity centres

The proposal is in the Swan Street Major Activity Centre and is consistent with the objectives to maintain the long term viability of activity centres; support and use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres; discourage uses at street level in activity centres which create dead frontages during the day.

Clause 21.04-3 Industry, office and commercial

The proposal seeks to increase the number and diversity of local employment opportunities.

#### Clause 21.05-2 Urban design

The proposal seeks to reinforce the existing urban framework of Yarra; offer design excellence, best practice environmental sustainability in design and construction; positive contribution to the enhancement of the public domain; support new development that contributes to the consolidation and viability of existing activity centres.

#### Clause 21.05-4 Public environment

The proposal seeks to provide a public environment that encourages community interaction and activity by ensuring the building has a human scale at street level, and provide universal access to public spaces within the site. The proposal provides a public thoroughfare through the centre of the ground floor courtyard.

#### Clause 21.06 Transport

The proposal encourages sustainable transport options by promoting access to bicycle facilities, walking, tram and rail public transport accessibility.

#### Clause 21.07-1 Ecologically sustainable development

The proposal incorporates environmentally sustainable design measures by way of energy and water efficiency, net zero carbon performance, passive solar design, natural ventilation and WSUD features.

#### Clause 21.08-2 Neighbourhoods (Burnley, Cremorne, South Richmond)

The proposal seeks to improve access and perceived safety around Burnley Station and the Swan Street Major Activity Centre.

#### Clause 22.03 Landmarks and tall structures

The site isn't in proximity to a sign or landmark identified in this clause, however, it seeks to ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.

#### Clause 22.05 Interfaces uses policy

This policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses. The proposal addresses this by providing an active frontage to Swan and Burnley Street, with publicly accessible retail and food and drink premises at ground level and the building massing offers a human scale at street level.

#### Clause 22.10 Built form and design policy

The proposal responds appropriately to the ten design elements outlined in this policy, including urban form and character; setbacks and building heights; street and public space quality; environmental sustainability; site coverage; on- and off-site amenity; landscaping and fencing; parking, traffic and access; and service infrastructure.

#### Clause 22.16 Stormwater management (Water sensitive urban design)

The proposal includes a 90,000L rain water tank for harvesting and reuse.

#### Clause 21.17 Environmentally sustainable design

The proposal incorporates environmentally sustainable design measures by way of energy and water efficiency, net zero carbon performance, passive solar design, natural ventilation and WSUD features.

### **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, Clause 72.03 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 in this case 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](http://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](http://www.planning.vic.gov.au/public-inspection).

#### **ATTACHMENT 1 - Mapping reference table**

<b>Location</b>	<b>Land /Area Affected</b>	<b>Mapping Reference</b>
Richmond	462-482 Swan Street, Richmond	Yarra C282 001scoMap9

---

*Planning and Environment Act 1987*

**YARRA PLANNING SCHEME**

**AMENDMENT C282yara**

**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. 9SCO in the manner shown on the attached map marked "Yarra Planning Scheme, Amendment C282yara".

**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 72.03, replace the Schedule with a new Schedule in the form of the attached document.
4. In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document

## SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

## 1.0

## Specific controls

~~20/04/2020~~ ~~---/---/---~~  
 G265yaraProposed C282yara

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	462-482 Swan Street, Richmond Incorporated Document, July 2020

**SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?**

**1.0 Maps comprising part of this planning scheme:**

~~20/04/2020~~ ~~---/---/---~~  
6265yara Proposed C282yara

- Maps No. 1, ~~1HO~~, 1DDO, ~~1SBO~~1EAO, 1HO, 1PAO, ~~1EAO~~1SBO, 1SCO
- Maps No. 2, ~~2SLO~~2, 2DDO, 2DPO, 2EAO, 2ESO, 2HO, ~~2DDO~~, ~~2DPO~~, ~~2LSIO~~, ~~2SBO~~, ~~2PAO~~, ~~2EAO~~, ~~2SCO~~2LSIO, 2PAO, 2SBO, 2SCO, 2SLO
- Maps No. 3, ~~3SLO~~3, 3DDO, 3DPO, 3EAO, 3ESO, 3HO, ~~3DPO~~, ~~3DDO~~, 3LSIO, ~~3SBO~~, 3PAO, ~~3EAO~~3SBO, 3SCO, 3SLO
- Maps No. 4, ~~4SLO~~, ~~4ESO~~, ~~4HO~~, ~~4DPO~~, ~~4DDO~~4DDO, 4DPO, 4EAO, 4ESO, 4HO, 4LSIO, 4PAO, ~~4EAO~~4SLO
- Maps No. 5, ~~5HO~~5DDO, 5DPO, ~~5DDO~~, ~~5EAO~~5EAO, 5HO, 5SCO
- Maps No. 6, ~~6SLO~~, ~~6HO~~, ~~6DPO~~, ~~6DDO~~6DDO, 6DPO, 6EAO, 6HO, 6IPO, ~~6LSIO~~, ~~6SBO~~, ~~6PAO~~, ~~6EAO~~, ~~6PO~~, ~~6SCO~~6LSIO, 6PAO, 6PO, 6SBO, 6SCO, 6SLO
- Maps No. 7, ~~7SLO~~7DDO, 7DPO, ~~7DDO~~, ~~7LSIO~~, ~~7SBO~~7EAO, 7HO, 7LSIO, 7PAO, ~~7HO~~, ~~7EAO~~, ~~7SCO~~7SBO, 7SCO, 7SLO
- Maps No. 8, ~~8SLO~~8, 8CLPO, 8DDO, 8EAO, 8HO, ~~8DDO~~, 8LSIO, 8SBO, ~~8EAO~~, ~~8CLPO~~, ~~8SCO~~8SCO, 8SLO
- Maps No. 9, ~~9SLO~~9, ~~9HO~~9CLPO, 9DDO, 9DPO, ~~9DDO~~, 9EAO, 9HO, 9LSIO, 9PAO, ~~9EAO~~, ~~9CLPO~~9SCO, 9SLO

**SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME****1.0 Incorporated documents**48/06/2020 --/--/----  
C225yaraProposed C282yara

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
351-353 Church Street, Richmond – Incorporated Document, February 2019	C225
462-482 Swan Street, Richmond Incorporated Document, July 2020	C282yara
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**

462-482 Swan Street, Richmond

July 2020

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

## 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 delivery of the development at 462-482 Swan Street, Richmond (the project).

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

## 2.0 PURPOSE

The purpose of the control in Clause 5.0 is to allow the development of land described in Clause 3.0 of this document for the purposes of the project.

## 3.0 LAND

The control in this document applies to land at 462 – 482 Swan Street, Richmond that is affected by the Specific Controls Overlay (SCO13) as shown on Planning Scheme Map 9SCO 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 as described in Clauses 5.0 and 6.0 of this document.

## 5.0 THIS DOCUMENT ALLOWS



The Incorporated Document allows for the development of a thirteen (13) storey mixed use development consisting 2 storey basement car park, one storey of plant, ground floor retail and food and drink premises, and upper floors of office floorspace, a ground level public pedestrian thoroughfare linking Swan Street with a pedestrian walkway adjacent to Burnley Station, generally in accordance with the following 'Incorporated plans' but modified to include changes, or be authored, as required under Clause 6.0 of this Incorporated Document:

- DA1001 – DA1016 (Rev C), Architectus, 16 April 2020
- DA2001 – DA2013 (Rev C), Architectus, 16 April 2020
- DA2101 – DA2105 (Rev B), Architectus, 16 April 2020
- Materials Schedule P142-143
- Façade Strategy and Materials and Finishes Plan (as per Clause 6.2)
- Landscape Plan, TLC, April 2020 (modified as per Clause 6.5)
- Sustainable/Sustainability Management Plan, Floth, 16 April 2020 (modified as per Clause 6.9)
- Green Travel Plan, Impact, 16 April 2020 (modified as per Clause 6.12)
- Waste Management Plan, WSP, May 2020 (modified as per Clause 6.14)
- Acoustic Report, Floth, 17 April 2020 (modified as per Clause 6.17)
- Acoustic Report supplementary (as per Clauses 6.19 and 6.20)
- Wind Tunnel Report, MEL Consultants, 17 April 2020 (modified as per Clause 6.21)
- Car Park Management Plan (as per Clause 6.23)
- Design Detail Plan (as per Clause 6.29)
- VicTrack Landscape Zone and Pedestrian Path plans (as per Clause 6.30)
- Infrastructure and Streetscape Masterplan (as per Clause 6.32)
- Section 173 Agreement - widening of Swan and Burnley Streets and the land to the south (as per Clause 6.34)
- Section 173 Agreement – affordable commercial space (as per Clause 6.36)
- Road Safety Audit, post-development Road Safety Audit, and detailed plans for Transport for Victoria (Clauses 6.38 - 6.56)

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 endorsed plans.

## **6.0 THE FOLLOWING REQUIREMENTS APPLY TO THIS DOCUMENT:**

### **6.1. Amended plans**

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 DA1001 – DA1016 (Rev C), DA2001 – DA2013 (Rev C) and DA2101-DA2105 (Rev B) and Materials Schedule P142-143 prepared by Architectus, but modified to show:

#### Signage

- (a) A notation included on Drawing No. DA2101 indicating the proposed signage is not illuminated.

#### Built Form

- (b) At level 11 the eastern façade setback a minimum 6.23 metres from the eastern boundary for the section from 1 metre south of Gridline 3 to the southern façade as generally depicted in sketch plans submitted by Human Habitats 5 June 2020;
- (c) At level 11, the south roof zone reconfigured to a landscaped terrace as generally depicted in sketch plans submitted by Human Habitats 5 June 2020;
- (d) At level 10, the west façade setback to a minimum 13.5 metres for the entire west elevation south of where the building currently indents to 10.97 metres;

- (e) At level 10, the southern façade setback to 11.322 metres, west of Gridline E, as generally depicted in sketch plans submitted by Human Habitats 5 June 2020;
- (f) Level 11 setback in accordance with Clause 6.1(d) and 6.1(e).
- (g) The south-western Level 11 terrace relocated to Level 10, in the area created by Clause 6.1(d) and 6.1(e).
- (h) The building parapet around the roof top plant and the roof top plant level to be lowered in height and integrated into the design of the building to minimise visibility and reduce overshadowing to the Burnley Station.
- (i) An updated 3D model of the development and its surrounds in conformity with the Department of Environment, Water, Land and Planning Infrastructure Advisory Note –3D Digital Modelling.
- (j) The design expression east of the primary north-south entrance in Swan Street to be revised for each of the podium levels to better reflect the character of the area and to provide improved fenestration and materiality;
- (k) The design expression of the Burnley Street zone south of the projecting corner to be revised for each of the podium levels to better reflect the character of the area and to provide improved fenestration and materiality.
- (l) The southern setback of the upper levels of the development to be further setback, or lowered in height, to further reduce the extent of overshadowing experienced to the southern Burnley Station platform.
- (m) Further resolution of the proposed canopy to ensure there is no conflict with future street tree planting and incorporate a minimum 750mm setback from the Swan Street kerb.
- (n) The canopy to Burnley Street to be setback a minimum 750mm setback from the Burnley Street kerb.
- (o) The detailed design of the retail spaces, with individual tenancies shown, areas provided and uses identified.

#### Car Parking and Services(p)

- (p) Electric vehicle charging infrastructure for at least 5% of vehicle spaces clearly shown, with the car spaces marked.
- (q) A notation indicating that the car parking area will be electrically wired to be 'EV ready.'
- (r) Rainwater tank to have a capacity of 90,000 litres.
- (s) Details of the size and location of the proposed solar PV array, demonstrated to be adequately screened from view.
- (t) Visibility sight line triangles (corner splay) superimposed and dimensioned as required by clause 52.06-9: Design Standard 1.
- (u) Floor to ceiling height clearances within the basement car park levels dimensioned as required by clause 52.06-9: Design Standard 1.
- (v) Columns setbacks are to be designed in accordance with AS/NZS 2890.1:2004 with the column depths dimensioned on the plans or the parking spaces adjacent to columns be widened to allow car doors to be opened.
- (w) A swept path diagram for B99 design vehicle and an oncoming B85 design vehicle at the corner of the basement car park levels.
- (x) The canopies along the sites Burnley Street and Swan Street frontages to be setback a minimum 750mm from the kerb in accordance with the Building Regulations 2018.
- (y) The car parking spaces numbered for identification.
- (z) A minimum of 326 employee bicycle spaces within a secure and conveniently located compound and in accordance with the requirements of AS23890.3. The existing 282 employee spaces are to remain within the end of trip area with no more than two secure compounds provided.
- (aa) Relocation of the four existing bicycle hoops where no streetscape improvements (street trees, seating) is proposed.
- (bb) One additional visitor bicycle hoop provided on-site with a minimum eight visitor bicycle hoops provided on the northern side of the development.

#### Reports and Plans

- (cc) Any requirement of the endorsed Landscape Plan (Clause 6.5) (where relevant to show on plans).
- (dd) Any requirement of the endorsed Sustainable Management Plan (Clause 6.9) (where relevant to show on plans).
- (ee) Any requirement of the endorsed Waste Management Plan (Clause 6.14) (where relevant to show on plans).
- (ff) Any requirement of the endorsed Wind Tunnel Report (Clause 6.21) (where relevant to show on plans).
- (gg) Any requirement of Transport for Victoria (Clauses 6.38 –6.56)(where relevant to show on plans).

**6.2. Façade Strategy**

In conjunction with the submission of development plans under Clause 6.1, 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) elevations at a scale of 1:20 illustrating typical podium details for all podium types, entries and doors, utilities (services to Swan Street) and tower facade details (in particular the detailing of 'FT01a', 'FT01b' and other glazing types used within the development);
- (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, including any vegetation;
- (d) a sample board and coloured renders outlining colours, materials and finishes including the following:
  - i. details of the proposed material 'FT08' outlining all areas it is to be applied and ensuring it provides warmth and depth to the overall façade.
  - ii. details of the proposed permeability of 'FT03a' allowing adequate transparency and visual connection to the end of trip facilities;
  - iii. Details of the plant level and any screening, ensuring it is integrated with the design of the building.
  - iv. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface(e)
- (e) The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of podium treatment, façade pattern, colours and ability to provide richness, saturation and depth. This can be provided through montages from various vantage points and/or built model.

**6.3.** The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

**6.4.** As part of the ongoing progress and development of the site, Architectus 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 on the endorsed plans or otherwise to the satisfaction of the responsible authority.

**6.5. Landscape plan**

Before the development commences, 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 the incorporated plans under this document. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by TLC and dated April 2020, but modified to include (or show):

- (a) The six London Plane trees to be replaced with *Lagerstroemia indica*.
- (b) Further resolution of the proposed canopy to ensure there is no conflict with future street tree planting, with advice provided by a suitably qualified arborist/landscape architect demonstrating any proposed canopy will not impact the long-term viability of the proposed street trees on Swan Street.
- (c) The four street trees proposed along Burnley Street to be modified to be all Japanese Zelkova 'Green Vase'.
- (d) Details of tree guards and treatments for the proposed street trees, in accordance with Yarra standard details.
- (e) Details of soil volumes for all garden beds provided.
- (f) Consideration to passive irrigation or use of water captured by the subject site.
- (g) A 600mm setback provided between the proposed raised planters with custom seating along Burnley Street and the kerb.
- (h) Consistently show details of the form, size and furniture proposed around the edges of the planters.
- (i) In respect of the Burnley Station landscaped terrace, the following details are to be provided:
  - i. Proposed levels.
  - ii. Materials of seating slabs.
  - iii. Several sectional diagrams demonstrating the relationship between the terrace and Burnley Station pedestrian ramp.
- (j) A detailed planting plan including a planting schedule that shows the quantities, pot sizes, mature heights, botanical and common names.
- (k) A specification of works to be undertaken prior to planting.
- (l) Maintenance schedules and notes, including how any plant failure will be managed, including for the façade planting.
- (m) Details of the proposed methods for irrigation and drainage.
- (n) All plants proposed confirmed to not be listed within DELWP *Advisory List of Environmental Weeds in Victoria*.
- (o) Include any requirements where relevant in accordance with Clause 6.29.

**6.6.** Before the buildings are 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 purposed; and
- (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the responsible authority.

**6.7.** Before the development commences, or by such later date as approved in writing by the responsible authority, the developer must make a one-off contribution of \$4,149 to the responsible authority for the amenity value and removal cost of the street trees located in front of the site.

**6.8.** Before the building is occupied, or by such later date as approved in writing by the responsible authority, the six street trees must be installed within Swan Street and four street trees must be installed within Burnley Street:

- (a) at the developer's cost; and
- (b) in a location and manner, to the satisfaction of the responsible authority.

**6.9. Sustainable management plan**

Before the development commences, 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 form part of this Incorporated Document. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Floth dated 16 April 2020, but modified to include or show:

- (a) the development to ensure a zero net carbon performance standard, as defined by the Green Building Council of Australia, forming part of a minimum 5 Star Green Star certified rating.
- (b) A minimum 20% improvement above NCC 2019 standards and a completed JV3 energy report demonstrating the proposed energy performance standard.
- (c) A commitment to electric vehicle charging infrastructure for at least 5% of vehicle spaces to be provided.
- (d) The provision of 326 employee bicycle spaces.
- (e) A daylight report be prepared using daylight modelling or GBCA Hand Calculation method demonstrating that at least 30% of NLA exceed a 2% daylight factor standard.
- (f) Size and capacity of the proposed solar PV array.

**6.10.** The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the responsible authority.

**6.11.** Before the development is occupied, a report from the author of the Sustainable Management Plan, approved under this incorporated document, or similarly qualified person or company, must be submitted to the responsible authority. This report must be to the satisfaction of the responsible authority and must confirm all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.

#### **Green Travel Plan**

**6.12.** 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 this Incorporated Document. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact, dated 16 April 2020, but modified to include or show:

- (a) Security arrangements to access the employee bicycle storage spaces;
- (b) The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (c) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
- (d) The floor plans showing details of the bicycle parking and end of trip facilities.

**6.13.** The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the responsible authority.

#### **Waste Management Plan**

**6.14.** 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 this Incorporated Document. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by WSP and dated May 2020, but modified to:

- (a) Assess the proposal as amended under Clause 6.1.

**6.15.** The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the responsible authority.

- 6.16. The collection of waste from the site must be by private collection, unless with the prior written consent of the responsible authority.

#### **Acoustic Report**

- 6.17. 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 this Incorporated Document. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Floth and dated 17 April 2020, but modified to include:

(a) The means by which the long-term averages for road traffic noise have been derived.

- 6.18. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the responsible authority.

- 6.19. Following the excavation of the basement and before the development commences (excluding any works required to secure the basement), an Acoustic Report (vibration) to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:

(a) Remeasuring of the vibration once excavation of the site had been completed. The VDV is to be measured directly, or full details of the measurement results and conversion calculation to obtain the VDV is provided at that time. The VDV should be measured and/or calculated in accordance with the 2008 British Standard referenced by Floth.

When approved, the Acoustic Report will be endorsed and will then form part of this Incorporated Document.

- 6.20. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:

- (a) Compliance of the mechanical plant, car park entrance door and loading bay with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings.  
(b) Compliance with any recommendations or requirements of the report referenced within Clause 6.19.

When approved, the Acoustic Report will be endorsed and will then form part of this Incorporated Document.

#### **Wind Tunnel Report**

- 6.21. Before the development commences, an amended Wind Tunnel Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Wind Tunnel Report will be endorsed and will form part of this Incorporated Document. The amended Wind Tunnel Report must be generally in accordance with the Wind Tunnel Report prepared by MEL Consultants, dated 17 April 2020, but modified to include (or show):

- (a) Assess the proposal as amended pursuant to Clause 6.1.  
(b) The northern, southern and western retail frontages achieving pedestrian comfort for stationary, long exposure activities.  
(c) The bicycle arrival achieving pedestrian comfort for stationary, short exposure activities.  
(d) The external terraces at Levels 1, 2 and 3 achieving pedestrian comfort for stationary, short exposure activities.

(e) The external terraces at Levels 10 and 11 achieving pedestrian comfort for stationary, short exposure activities. Landscaping is not to be used as a wind mitigation measure.

**6.22.** The provisions, recommendations and requirements of the endorsed Wind Tunnel Report must be implemented and complied with to the satisfaction of the responsible authority.

#### **Car parking**

**6.23.** Before the development commences, a Car Park Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the Car Park Management Plan will be endorsed and will form part of this Incorporated Document. The Car Park Management Plan must address, but not be limited to, the following:

- (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
- (b) Numbering of car parking spaces;
- (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (d) policing arrangements and formal agreements including the provision for the development entrance boom gate to remain open during the AM peak period;
- (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
- (f) the collection of waste and garbage in accordance with the Waste Management Plan required by Clause 6.14; and
- (g) details regarding the management of loading and unloading of goods and materials.

**6.24.** The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the responsible authority.

**6.25.** Before the building is occupied, or by such later date as approved in writing by the responsible authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) treated with an all-weather seal or some other durable surface; and
- (d) line-marked or provided with some adequate means of showing the car parking spaces;

to the satisfaction of the responsible authority.

**6.26.** Before the building is occupied, or by such later date as approved in writing by the responsible authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the responsible authority.

**6.27.** The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the responsible authority.

**6.28.** Except with the prior written consent of the responsible authority, the internal north-south connection between Swan Street and the land to the south must be open between 8am and 6pm on business days (excluding public holidays).

#### **Design Detail Plan (widened footpaths and land to the south)**

**6.29.** Within six months of the development commencing, the owner of the site must submit detailed engineering and landscaping documentation to the satisfaction of the responsible authority and approved by the responsible authority and at the full cost of the owner showing the following:

- (a) Provision of widened footpaths along Swan Street and Burnley Street, including land located on the subject site as identified within the Ground Floor plan prepared by Architectus, Drawing No. DA1003, Revision C.
- (b) Provision of pedestrian path along the southern boundary entirely located on the subject site as identified within the Ground Floor plan prepared by Architectus, Drawing No. DA1003, Revision C.
- (c) Provision of a ground floor landscape plan which includes the landscaping proposed in the public realm areas and those associated with the landscaped terrace to the south.
- (d) The design detail plan is to provide details of the following:
  - i. Integration with the Burnley Street Shared Zone, as proposed within the plan required pursuant to Clause 6.32.
  - ii. Clear delineation of the site's title boundaries along Burnley Street through the use of brass discs or a similar type method;
  - iii. The Swan Street footpath area outside of the subject site's title boundary are to be surfaced in asphalt as per Yarra standard drawings, unless otherwise agreed to by the responsible authority.
  - iv. DDA compliant pram ramps (including TGSIs) shown at the Burnley St/Swan St intersection as per Yarra standard drawings.
  - v. All existing street furniture on Swan Street to be upgraded and located in accordance with the City of Yarra Public Domain Manual and Yarra Standard Drawings.
  - vi. Details of custom benches and raised planters to be provided with a 600mm setback provided from the Burnley Street kerb.
  - vii. Provision of additional street litterbins on Burnley Street in accordance with City of Yarra Public Domain Manual / Yarra Standard Drawings.

#### **VicTrack Landscaped Zone and Pedestrian Path**

- 6.30.** Within six months of the development commencing, the developer must submit detailed plans (inclusive of materials and landscaping) to the satisfaction of and approved by the responsible authority and VicTrack, showing:
- (a) interface improvements for the footpath to the south (directly abutting the subject site's boundaries); and
  - (b) details of the proposed landscaped terrace;

- 6.31.** Before the building is occupied, all works associated with the VicTrack pedestrian path and landscaped terrace detailed design plan as shown on the endorsed plans must be completed by the developer at their full cost to the satisfaction of the responsible authority and VicTrack and be maintained thereafter.

#### **Infrastructure and Streetscape Masterplan**

- 6.32.** Within six months of the development commencing, the applicant must prepare an infrastructure and streetscape masterplan in conjunction with Council, Department of Infrastructure, VicTrack, Transport for Victoria and all relevant service authorities for capital improvements in the roads surrounding the development. The Plan must include, but is not limited to:

- (a) the interface with the Burnley railway station.
- (b) the mitigation works at the Burnley Street/Swan Street intersection.
- (c) the improvement to the Burnley Street service road, including:
  - i. the provision of a shared zone within Burnley Street (service road) where the street interfaces with the western boundary where not obstructed by the existing rail ramp.  
The design of the Burnley Street shared zone must provide details including civil works drawings, pavement widths, surface treatment, road infrastructure items, landscaping (where applicable) and drainage including the installation of any additional drainage pits and associated connecting drainage to the satisfaction of the responsible authority.



- (d) the streetscape along Swan Street. The extent and scope of the works must be clearly defined before approval is granted by Council. All traffic mitigation, road infrastructure and streetscape works shall be funded by the developer.

#### **Timing of works**

- 6.33.** Before the building is occupied, all works to the public realm as required by Clauses 6.29, 6.30 and 6.32 must be fully constructed and completed by the owner at their full cost and to the satisfaction of the responsible authority.

#### **Section 173 Agreement (widening of Swan and Burnley Streets and the land to the south)**

- 6.34.** Within six months of the commencement of works, 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, providing for the following:

- (a) The Owner must provide unfettered 24-hour public access over that part of the land to be used for the widening of the Swan Street and Burnley Street footpaths and pedestrian footpath to the south (rail interface);
- (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in Clause 6.34(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
- (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in Clause 6.34(a).

- 6.35.** 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.

#### **Section 173 Agreement (Affordable Commercial Space)**

- 6.36.** Before the development is occupied, 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 affordable commercial space by:

- (a) Providing 5% of the office floor area on-site as affordable office floor space which may include a co-working space/social enterprise space/office space for creative design tenant(s) available at a discount compared with market rent; or
- (b) Making other arrangements for the provision of affordable commercial space as per Clause 6.36 (a) in respect of the same floor area, or an equivalent community benefit, such as the delivery of or investment in an Aboriginal Employment Program, to the satisfactory of the responsible authority.

- 6.37.** 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.

#### **Head, Transport for Victoria (Clauses 6.38 to 6.56)**

- 6.38.** Before the development commences (excluding demolition), or other time agreed to in writing with Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria (TfV) must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the Incorporated Document. The plans must be drawn to scale with dimensions and three copies must be provided. These plans must be generally in accordance with the plans submitted to TfV with the application but are to be modified to show:

- (a) The installation of signs, line marking, splitter island and associated road works permitting only “left turn in” and left turn out” vehicular access from Swan Street unless otherwise recommend by the Road Safety Audit
- (b) modification as required and/or removal of any existing car parking spaces, street tree/s and associated road works on the south side of Swan Street to accommodate the new vehicular access arrangement;
- (c) retention of Metro Train bus replacement space in the Burnley Street underpass;
- (d) tram shelter and associated works in an agree location on Swan Street;
- (e) a landscaping plan and schedule;
- (f) demonstrate compliance with air, light and fire requirements without reliance on railway land, and;
- (g) any recommendations of the road safety audit, to the satisfaction of TfV.

**6.39.** Before the development commences (excluding demolition), unless otherwise agreed in writing with TfV, the developer must submit a formal road safety audit, (including a function layout plan) by a suitable qualified consultant, to the satisfaction of TfV and the responsible authority. The audit must include, but not limited to:

- (a) the function and layout of the left in left out Swan Street access,
- (b) pedestrian, cycle and vehicle access/egress arrangements (including pedestrian crossings at/in vicinity of the intersection of Swan & Burnley Streets)
- (c) loading arrangements,
- (d) buildings and works within the public realm,
- (e) internal circulation/layout,
- (f) lighting and vegetation impact on adjoining roadway/s.

The findings of the audit must be incorporated into the development and at the developer’s expense.

**6.40.** Unless otherwise agreed in writing with TfV within six (6) months of the occupation of the development the developer must submit a post development road safety audit, to the satisfaction of TfV, demonstrating that all works associated with the approved road safety audit have been tested and any reasonable alterations required are completed to the full cost of the developer and to the satisfaction of TfV.

**6.41.** Before the Development commences, unless otherwise agreed in writing with the Head Transport for Victoria, the developer must submit detailed plans (inclusive of materials and landscaping) to the satisfaction of the Head, Transport for Victoria (TfV), Vic Track and the Rail Operator (RO) showing the development interface improvements for the footpath to the south (directly abutting the subject site’s boundaries and extending along the frontage to the railway land and connecting to the Burnley Station ramps as appropriate) being ‘public realm works’ on railway land. The plans must:

- (a) show lighting, landscaping, footpaths, bicycle parking, street furniture and associated infrastructure.
- (b) meet Rail Operator specifications and standards.
- (c) demonstrate that the works are compliant with the Disability Standard for Accessible Public Transport 2002.
- (d) A construction control agreement must be in place between the developer and RO prior to commencement of the Public Realm Works on Railway Land.
- (e) the Public Realm Works outlined in the plans must be completed by the developer at their full cost and to the satisfaction of TfV, VicTrack & the RO.

**6.42.** Prior to the commencement of work on site (excluding demolition) detailed construction / engineering plans and computations for construction works abutting railway land, railway operations, and railway infrastructure assets must be submitted and approved by VicTrack, TfV and the Rail Operator (RO). The Plans must detail all excavation design and controls of the site adjacent to the railway corridor. The Design Plans must ensure compliance regarding:

- (a) building clearances to aerial power lines as per the applicable Victorian Electrical Safety (Installations) Regulations;
- (b) design loadings for the building include for:
  - i. compliance with AS5100 Parts 1 and 2 for collision protection and impact loads from derailed trains,
  - ii. compliance with AS1170 Part 4 -Earthquake Actions in Australia,
- (c) working adjacent to overhead power to the satisfaction of the RO;
- (d) demonstrate compliance with air, light and fire requirements without reliance on railway land; and
- (e) demonstrates a design plan, and a maintenance and operations strategy for balconies and windows that will eliminate any risk of debris falling or being thrown onto railway land.

- 6.43.** Unless otherwise agreed in writing with TfV, before the commencement of works (including demolition), a Construction Management Plan must be submitted to TfV and Vic Track for approval. The Construction Management Plan must designate operating hours and include details of (but not be limited to) management proposals and actions to protect Vic Track assets, rail infrastructure and the operation of the public transport network during construction and must set out objectives, performance and monitoring requirements to the satisfaction of Vic Track & TfV.
- 6.44.** Unless otherwise agreed in writing with the TfV, before the commencement of works (including demolition), a Traffic Management Plan must be submitted to TfV which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport, including trains and trams. The Traffic Management Plan must be prepared and implemented to the satisfaction of TfV. All traffic management and mitigation costs will be at the full cost of the developer.
- 6.45.** Unless otherwise agreed in writing with TfV, prior to construction commencing including demolition, a construction control and indemnity agreement as required by TfV must be in place to the satisfaction of TfV at the full cost to the developer. Any costs required to review documents for the construction control and indemnity agreement must be met by the developer.
- 6.46.** Unless otherwise agreed in writing with TfV, prior to the commencement of works (excluding demolition), developer must prepare a report, to the satisfaction of TfV & the RO, by a suitable qualified consultant, which demonstrates that all building materials (including glass / window treatments) visible from the rail corridor are non-reflective such that it will not adversely impact on rail operations and driver safety. The development must avoid using red, green or yellow colour schemes that may interfere with driver operations.
- 6.47.** Unless otherwise agreed in writing with TfV and VicTrack, windows, doors and balconies must not be placed on the title boundary with Railway Land and no windows or doors are permitted to open beyond the Railway Land title boundary to the satisfaction of TfV and VicTrack.
- 6.48.** Prior to the occupation of the development, all works outlined on the endorsed plans for the left in left out only access must be completed with associated signs, to the satisfaction of TfV at the full cost to the developer.
- 6.49.** The boundary wall must be treated with a graffiti proof finish and any graffiti that appears on the wall must be removed as soon as practicable to the satisfaction of VicTrack and the Rail Operator. Removal of graffiti must be undertaken at no cost to VicTrack or the Rail Operator.
- 6.50.** Unless otherwise agreed in writing, permanent or temporary soil anchors must not be installed on railway land.

- 6.51.** Prior to commencement of works, the Rail Operator must be contacted through the email address [metrositeaccess@metrotrains.com.au](mailto:metrositeaccess@metrotrains.com.au) to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.
- 6.52.** Any Rail Operator costs required to review documents or construction plan works within the rail environment must be met by the developer.
- 6.53.** Any damage to public transport infrastructure as a consequence of the construction works must be rectified to the satisfaction of TfV, at the full cost of the developer.
- 6.54.** The developer must take all reasonable steps to ensure that disruptions to train and tram operation are kept to a minimum during the construction of the development, and in compliance with the Rail and Tram Safety and Environmental requirements.
- 6.55.** No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of signals and the rail lines by train drivers, to the satisfaction of the Rail Operator.
- 6.56.** No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.

#### **Road Infrastructure**

- 6.57.** 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) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
  - (c) at the developer's cost; and
  - (d) to the satisfaction of the responsible authority.
  - (e) The edge of the vehicle crossing must comply with the minimum setback from the two electrical poles as required by the relevant power authority and Yarra Trams. If there is a requirement to relocate the poles, the developer must obtain the consent of the relevant power authority and Yarra Trams. All costs associated with the relocation will be at the developer's cost
  - (f) The vehicle crossing shall be constructed in accordance with Department of Infrastructure's and City of Yarra's requirements and specifications.
- 6.58.** Before the building is occupied, or by such later date as approved in writing by the responsible authority, all building works and connections for underground utility services, the footpaths along the property's Swan Streets and Burnley Street (service road) frontages must be reconstructed (including kerb and channel):
- (a) at the developer's cost; and
  - (b) to the satisfaction of the responsible authority.
- 6.59.** Before the building is occupied, or by such later date as approved in writing by the responsible authority, the full width road pavement of the Burnley Street service road (from west kerb to east kerb line) from the southern limit of the development to Swan Street must be profiled and re-sheeted:
- (a) at the developer's cost; and
  - (b) to the satisfaction of the responsible authority.
- 6.60.** Before the building is occupied, or by such later date as approved in writing by the responsible authority, the half-width road pavement of Swan Street (from south kerb to tramway tracks) from the western limit of the development to the eastern limit of the development must be profiled and re-sheeted (including the reinstatement of all road markings):

- (a) at the developer's cost;
- (b) to the satisfaction of any other relevant authority; and
- (c) to the satisfaction of the responsible authority.

**6.61.** Before the building is occupied, or by such later date as approved in writing by the responsible authority, any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed:

- (a) at developer's cost;
- (b) to the satisfaction of any other relevant authority; and
- (c) to the satisfaction of the responsible authority.

**6.62.** Before the building is occupied, or by such later date as approved in writing by the responsible authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:

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

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

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

**6.64.** Before the building is occupied, or by such later date as approved in writing by the responsible authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the developer to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the developer.

**6.65.** Before the building is occupied, or by such later date as approved in writing by the responsible authority, the four bike hoops located on Burnley Street must be re-located within the site's frontages:

- (a) at the developer's cost; and
- (b) in a location and manner, to the satisfaction of the responsible authority.

#### **Lighting**

**6.66.** Before the building is occupied, or by such later date as approved in writing by the responsible authority, a public lighting design scheme along the development's road frontages (including along the pedestrian link to Burnley Train Station) demonstrating adequate lighting levels for pedestrians as per Australian Standard requirements must be submitted to and approved by the responsible authority. Notations must confirm that the lighting scheme has been approved by CitiPower and all lighting infrastructure and hardware will be funded by the developer.

**6.67.** 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 pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:

- (a) located;
- (b) directed;
- (c) shielded; and
- (d) of limited intensity to the satisfaction of the responsible authority.

## General

- 6.68.** The amenity of the area must not be detrimentally affected by the use or development, 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, waste water, waste products, grit or oil, or
  - (d) the presence of vermin
- to the satisfaction of the responsible authority.
- 6.69.** Except with the prior written consent of the responsible authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
- 6.70.** Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the responsible authority.
- 6.71.** Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the responsible authority.
- 6.72.** The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 6.73.** The uses must comply at all times with the State Environment Protection Policy –Control of Music Noise from Public Premises (SEPP N-2).
- 6.74.** Before the building 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.
- 6.75.** All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
- 6.76.** All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
- 6.77.** 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.

## Construction Management Plan

- 6.78.** Before the 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. stormwater contamination from run-off and wash-waters;
    - v. sediment from the land on roads;
    - vi. washing of concrete trucks and other vehicles and machinery; and
    - vii. spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the responsible authority in the event of relevant queries or problems experienced;
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices -Part 3: Traffic control devices for works on roads;
  - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the responsible authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
    - i. using lower noise work practice and equipment;
    - ii. the suitability of the land for the use of an electric crane;
    - iii. silencing all mechanical plant by the best practical means using current technology;
    - iv. fitting pneumatic tools with an effective silencer;
    - v. other relevant considerations; and
  - (q) any site-specific requirements.
- During the construction:
- (r) any stormwater discharged into the stormwater drainage system must comply with Environment Protection Authority guidelines;
  - (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
  - (t) vehicle borne material must not accumulate on the roads abutting the land;(u)
  - (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and(v)
  - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

**Notes:**

- The site is located within an Environmental Audit Overlay. Under Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the Incorporated Document.
- A building permit may be required before development is commenced. Please contact 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 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 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 Council property will be accepted.
- All future employees within the development approved under this Incorporated Document will not be permitted to obtain business parking permits.
- A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.
- The applicant must apply for a Legal Point of Discharge under Regulation 133 –Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 133.
- Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
- 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.
- Except with the prior written consent of the responsible authority, Council assets must not be altered in any way.
- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.
- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.
- The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

## 7.0 DEVELOPMENT TIME LIMIT

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 C282yara to the Yarra Planning Scheme.
- If a new development proposal is applied for.

The Minister for Planning may extend the periods referred to if a request is made in writing before these controls expire or within 6 months afterwards.