

YARRA PLANNING SCHEME

INCORPORATED DOCUMENT

484 - 490 Swan Street, Richmond

May 2023

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

OFFICIAL

1.0 INTRODUCTION

This document is an incorporated document in the schedule to Clauses 45.12 and 72.04 of the Yarra Planning Scheme (the Planning Scheme), under section 6(2)(j) of the *Planning and Environment Act 1987*.

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific control contained in Clause 4 if this document.

The control in Clause 4.0 prevails over any contrary or inconsistent provision in the Planning Scheme.

The Minister for Planning is the Responsible Authority for administering Clause 45.12 of the Planning Scheme with respect of this Incorporated Document, except that:

- (a) Yarra City Council is the Responsible Authority for the enforcement of the Incorporated Document.
- (b) Yarra City Council is the Responsible Authority for matters under Division 2 of Part 9 of the *Planning and Environment Act 1987*.

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 484 – 490 Swan Street, Richmond that is affected by the Specific Controls Overlay (SCO18) as shown on Map No 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 Clause 5.0 of this document.

5.0 THIS DOCUMENT ALLOWS

The Incorporated Document allows for the development of a fourteen (14) storey building comprising office and retail, a reduction in the statutory car parking requirement and alterations to a road in a Transport Zone (Schedule 2), generally in accordance with the following 'Plans' but modified to include changes, or be authored, as required under Clause 6.0 of this Incorporated Document:

- (a) TP00-01 (Rev 2), Cox Architecture plans, 21.06.2022
- (b) TP10-01 (Rev 1), Cox Architecture plans, 29.04.2022
- (c) TP11-01 (Rev 2), Cox Architecture plans, 21.06.2022
- (d) TP15-01 (Rev 1), Cox Architecture plans, 29.04.2022
- (e) TP21-07 – TP21-12 (Rev 2), Cox Architecture plans, 21.06.2022
- (f) TP21-13 – TP21-25 (Rev 1), Cox Architecture plans, 29.04.2022
- (g) TP30-10 – TP30-11 (Rev 2), Cox Architecture plans, 21.06.2022
- (h) TP35-10 (Rev 1), Cox Architecture plans, 29.04.2022
- (i) TP40-10 – TP40-20 (Rev 2), Cox Architecture plans, 21.06.2022
- (j) TP42-10 – TP42-20 (Rev 1), Cox Architecture plans, 29.04.2022
- (k) TP97-10 – TP97-13 (Rev 2) Cox Architecture plans, 21.06.2022
- (l) Façade Strategy and Materials and Finishes Plan (clause 6.3)
- (m) Landscape Plan (clause 6.5)
- (n) Tree Protection Arborist Report (clause 6.7)
- (o) Sustainable Management Plan (clause 6.14)
- (p) Wind Impact Assessment Report (clause 6.17)
- (q) Acoustic Report (clause 6.19)
- (r) Public Lighting Plan (clause 6.22)
- (s) Waste Management Plan (clause 6.24)
- (t) Green Travel Plan (clause 6.26)
- (u) Public Realm Plan(s) / Works / Road Infrastructure / Street trees (clause 6.46).

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

Amended Plans

- 6.1 Before the development commences (excluding demolition and bulk excavation), amended plans to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. 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 the decision plans prepared by Cox Architecture and dated 21 June 2022 but modified to show:

- (a) The key changes depicted in the Landscape Concept Plans received by Council 28 October 2022 to:
 - (i) Exclude the tables and chairs previously shown;
 - (ii) Exclude the awnings that extended into the canopy of the street trees across the Swan Street Section;
 - (iii) Exclude a garden bed along the Swan Street footpath;
 - (iv) Show a standard City of Yarra tree pit cut-out;

- (v) Show the pedestrian refuge in accordance with the architectural plans in the north-west corner;
 - (vi) Include seating along the Swan Street footpath and positioned to face the entrance to the laneway;
 - (vii) Include wall lights in the laneway and the central link shown;
 - (viii) Include wall mounted benches with backrests and armrests in the northern section of the internal pedestrian laneway; and
 - (ix) Modified to show the areas for waste.
- (b) Four existing street trees along Swan Street now shown to be retained and protected;
- (c) The key changes depicted on the Ground Floor Plan (TP21-10, Rev 3) dated 20.10.2022 that shows:
 - (i) a 1.8m x 1m box around the bicycle hoops to demonstrate adequate space around each hoop;
 - (ii) doors that are not impacted by columns;
 - (iii) existing conditions of surrounding side to the east of the ROW with a further note identifying the ROW with bluestone paving;
 - (iv) the planter at the south-east corner of the site relocated 1.5m north from the southern laneway; and
 - (v) asphalt for the southern footpath outside the property frontage to Burnley Station, with levels and materials that are consistent with the adjoining development (under construction) at No. 462 - 482 Swan Street;
- (d) Both landscape and architectural plans modified to show a 1.2m minimum deep soil depth to the planting areas;
 - (e) A minimum 2.2m headroom clearance along the main accessway to the car parking areas;
 - (f) The waste management plan and associated architectural plans modified to have a larger bin storage area;
 - (g) Clarification of the structure at the north-east corner of the site;
 - (h) The deletion of the pergola structure above the Level 10 terrace in the north-east corner;
 - (i) The deletion of any reference to the removal of the wing wall associated with the development (under construction) to the west;
 - (j) All works, including planters, shown to be constructed within the title boundaries;
 - (k) The dimension of the headroom clearance within the ramped accessway;
 - (l) A vehicle crossing ground clearance check for the new vehicle crossing by the applicant's designer to confirm that a B99 design vehicle can enter and exit the property without scraping out (as per 'Engineering Advice for Design Items to be Addressed by the Applicant' section);
 - (m) Dimensions of bicycle storage spaces, and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3;
 - (n) The proposed visitor bicycle parking spaces annotated to be installed as per Yarra Standard Drawing (YSD) 1050a 'Bike Hoop – in ground';
 - (o) Provision for wayfinding signs to be installed at the site to direct both employees and visitors to bicycle parking areas, in accordance with AS 2890.3;
 - (p) Provision of electrical wiring of all car parking areas to be 'EV ready' with a 40A single phase electrical sub circuit installed to these areas for this purpose;
 - (q) Confirmation of the provision of electric bicycle charging points;
 - (r) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (clause 6.3) (where relevant to show on plans);
 - (s) Any requirement of the endorsed Landscape Plan (clause 6.5) (where relevant to show on plans);
 - (t) Any requirement of the endorsed Tree Protection Arborist Report (clause 6.7) (where relevant to show on plans);
 - (u) Any requirement of the endorsed Sustainable Management Plan (clause 6.14) (where relevant to show on plans);
 - (v) Any requirement of the endorsed Wind Impact Assessment Report (clause 6.17) (where relevant to show on plans);
 - (w) Any requirement of the endorsed Acoustic Report (clause 6.19) (where relevant to show on plans);
 - (x) Any requirement of the endorsed Public Lighting Plan (clause 6.22) (where relevant to show on plans);
 - (y) Any requirement of the endorsed Waste Management Plan (clause 6.24) (where relevant to show on plans);

- (z) Any requirement of the endorsed Green Travel Plan (clause 6.26) (where relevant to show on plans);
- (aa) Any requirement of as a consequence of the Department of Transport's clauses (clause 6.28 – 6.46) (where relevant to show on plans);
- (bb) Any requirement of the endorsed Public Realm Plan(s) / Works / Road Infrastructure / Street trees (clause 6.47) (where relevant to show on plans).

6.2 The development as shown on the endorsed plans (including other material that forms part of this Incorporated Document) must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Minister for Planning.

Façade Strategy and Materials and Finishes Plan

6.3 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 Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed and will form part of this document. This must detail:

- (a) Elevations at a scale of 1:20 or 1:50 illustrating typical entries and doors;
- (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;
- (d) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and measures to limit (to the extent possible) graffiti adhesion on walls to the street, including doors, perforations and upper levels (where necessary).

Ongoing architect involvement

6.4 As part of the ongoing progress and development of the site, Cox Architecture or another architectural firm to the satisfaction of the Minister for Planning must be engaged to:

- (a) oversee design and construction of the development;
- (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Minister for Planning.

Landscape Plan

6.5 In conjunction with the submission of development plans under clause 6.1, an amended Landscape Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the Landscape Plan will be endorsed and will form part of this Incorporated Document. The Landscape Plan must be generally in accordance with the Concept Design - Landscape Town Planning Report prepared and authored by Tract with revision date 2nd May 2022 but further modified to show:

- (a) The changes outlined under clause 6.1 (as relevant to Concept Design - Landscape Town Planning Report prepared and authored by Tract with revision date 14 October 2022);
- (b) A plant schedule with the proposed plant species (botanical and common name), installation size, width and height at maturity, and plant numbers for all planted areas;
- (c) Planting plan(s) showing the location, numbers and species of proposed plants, as well as a legend containing key features, materials and surfaces;
- (d) Soil depth, slab set down and wall heights and of "deep soil" planters;
- (e) Provide typical details for the proposed irrigation;
- (f) Provide typical details of timber furniture and all materials and surfaces on the ground level;
- (g) Provide a maintenance schedule, including task details and frequency - for multi-storey development and planting, maintenance access will need to be provided for;

- (h) Load bearing weights for the building structure need to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed.

Ongoing Landscape Plan Requirement

- 6.6 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Yarra City Council. 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;
 - (c) replacing any dead, diseased, dying or damaged plants.

to the satisfaction of the Minister for Planning, in consultation with the Yarra City Council.

Tree Protection Arborist Report

- 6.7 In conjunction with the submission of development plans under Clause 6.1, an amended Arborist Report to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the amended Arborist Report will be endorsed and will form part of this Incorporated Document. The amended Arborist Report must be generally in accordance with the Arborist Report prepared and authored by Treelogic dated 28 March 2022 but modified to:
 - (a) Make reference to the amended plans required by Clause 6.1.

- 6.8 All tree protection measures must be carried out in accordance with the endorsed arborist report to the satisfaction of Yarra City Council.

Tree Protection Fencing

- 6.9 Prior to the commencement of any buildings and/or works approved by this Incorporated Document, temporary fencing must be erected around any tree shown for retention on the endorsed plans to define a Tree Protection Zone (TPZ) that is to the satisfaction of the Yarra City Council and must:
 - (a) Exclude access and construction activity within the TPZs, as assessed in the Arborist Report Treelogic dated 28 March 2022;
 - (b) Have a minimum height of 1.8 metres and comply with Australian Standard AS 4687 Temporary fencing and hoardings;
 - (c) Fencing within roadside reserves and/or nature strip areas must not prevent the use of a road or footpath;
 - (d) Remain in place until all buildings and/or works are completed, unless with the prior written consent of the Minister for Planning;
 - (e) Fencing must be modified in line with the footprint of the approved works only.

Street Tree Protection

- 6.10 The retained street trees must not be removed or damaged to the satisfaction on the Yarra City Council.
- 6.11 Before the development starts, a security bond of \$5,000 (total) for the 4 street trees to the Yarra City Council. The security bond:
 - (a) must be provided in a manner, and on terms, to the satisfaction of the Yarra City Council;

- (b) may be held by the Yarra City Council until the works are completed to the satisfaction of the Yarra City Council;
- (c) in accordance with the requirements of this Incorporated Document;
- (d) otherwise to the satisfaction of the Yarra City Council.

The bond is not to be released until Yarra City Council's Arborist has inspected the trees at the completion of the development.

Tree Protection and Management Plan

6.12 Prior to the commencement of any building and/or works, a Tree Protection and Management Plan (TPMP) must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. The TPMP must be prepared to the satisfaction of the Minister for Planning by an arborist with a minimum AQF level 5 qualification and must detail tree protection and management actions prior to, during, and post works (including demolition). The TPMP is required:

- (a) To maintain and protect the condition of all retained trees;
- (b) To comply with AS 4970–2009 Protection of trees on a development sites (Australian Standard AS 4970–2009).

6.13 The TPMP must include all tree related requirements conditioned in this Incorporated Document. All works in the TPMP affecting trees must be implemented and/or monitored by an arborist with a minimum AQF level 5 qualification to the satisfaction of the Yarra City Council. The TPMP must be certified as complete by the Project Arborist and this certification must be submitted to Yarra City Council at the completion of works.

Amended Sustainable Management Plan

6.14 In conjunction with the submission of development plans under clause 6.1, an amended Sustainable Management Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this Incorporated Document. The amended Sustainable Management Plan must be generally in accordance with the *Sustainability Management Plan (SMP)* prepared and authored by ACOR Consultants (VIC) Pty. Ltd. and revision dated 2 May 2022 but modified to include:

- (a) Daylight modelling that indicates (min) 40% of the floor area achieves the daylight outcomes required by Green Star Buildings:
 - (i) If available, provide additional calculations to illustrate reduction in GHG emissions against a reference building.
 - (ii) If available, provide additional calculations to illustrate how these elements have reduced peak energy demand against a reference building.
- (b) Detailed cross-section(s) that provide(s) more detail of shading elements (e.g. depth, and extent throughout design);
- (c) Update rooftop plans to clearly articulate specified amount of rooftop solar proposed (e.g. at least 126.4 kW);
- (d) A MUSIC model to support the endorsement of plans;
- (e) Rainwater tank capacity and indicate size and location on plans;
- (f) Confirm if any additional treatment is required to re-use or discharge stormwater;
- (g) A statement as to how the project will achieve a (min) 10% reduction in embodied carbon against a reference building;
- (h) Written confirmation that timber used will be FSC /PEFC certified;
- (i) A written statement as to how the development will achieve a best practice approach to PVC;
- (j) Confirmation that 3 showers within the EOT are gender neutral;
- (k) Clarify the separate management of glass recycling;
- (l) Confirm achievement of credits within the GS Nature category;
- (m) Provision of operable windows on levels 5-7 and 9 to allow for natural ventilation;

- (n) Confirmation of the total area for stormwater catchment and raingardens prior to discharge;
- (o) Consider a suite of materials and assembly methods that assist with adaptive reuse at end of life;
- (p) An assessment of the landscape proposal using the Green Factor tool www.greenfactor.com.au.

Prior to occupation Sustainable Management Plan Requirement

- 6.15 Prior to the occupation of the development allowed under this Incorporated Document, a report from the author of the sustainable management plan, allowed pursuant to this Incorporated Document, or similarly qualified person or company, must be submitted to the Minister for Planning in consultation with Yarra City Council. The report must be to the satisfaction of the Minister for Planning and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

Ongoing Sustainable Management Plan Requirement

- 6.16 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Yarra City Council.

Amended Wind Impact Assessment Required

- 6.17 In conjunction with the submission of development plans under clause 6.1, an amended Wind Assessment Report to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the amended Wind Impact Assessment will be endorsed and will form part of this Incorporated Document. The amended Wind Impact Assessment must be generally in accordance with the Wind Impact Assessment prepared and authored by MEL Consultants titled Environmental Wind Speed Measurements on a Wind Tunnel Model of the 484 Swan Street Development, Richmond dated April 2022, but modified to:

- (a) Assess the proposal as amended pursuant to clause 6.1 and make further recommendation to ameliorate any impacts on the Level 10 terrace as a consequence of the deletion of the pergola structure;
- (b) Landscaping is not to be used as a wind mitigation measure.

Ongoing Wind Assessment Requirement

- 6.18 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Yarra City Council.

Amended Acoustic Report

- 6.19 Before the development commences (excluding demolition and bulk excavation), an amended Acoustic Report to the satisfaction of the Minister for Planning must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. 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 Acoustic Logic dated 3rd May 2022 and assess the following:

- (a) Assess the proposal as amended under clause 6.1 and provide noise attenuation techniques to enhance the amenity of the building from external noise sources.

- 6.20 The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Minister for Planning.

Ongoing Acoustic Report Requirement

- 6.21 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Yarra City Council

Public Lighting Plan Required

- 6.22 Before the development commences (excluding demolition and bulk excavation), a Public Lighting Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. The Public Lighting Plan must address lighting along the curtilage of the building and the entrances and the internal pedestrian laneway within the site. When approved, the Public Lighting Plan will be endorsed and will form part of this Incorporated Document. The Public Lighting Plan must provide for:

- (a) all pedestrian access to the proposed development must be lit by public lighting installations as specified in the Australian Standard AS 1158.3.1:2020 Lighting for roads and public spaces.
- (b) new poles and luminaires must be sourced from the relevant power authority's standard energy efficient luminaires list and comply with relevant CitiPower technical requirements;
- (c) consultation with affected property owners to be undertaken by the developer with respect to the location of any new pole/s and light/s (if required);
- (d) light spillage into the windows of existing and proposed residences must be avoided or minimised and should comply with the requirements of Australian Standard AS 4282 - 2019 Control of the obtrusive effects of outdoor lighting;
- (e) the locations of any new light poles must not obstruct vehicular access into private properties;
- (f) A maintenance regime for the lighting scheme within the curtilage of the property;
- (g) The use of energy efficient luminaires and/or solar lighting technologies to reduce carbon emission if possible.

Ongoing Public Lighting Plan Requirement

- 6.23 The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Yarra City Council and to the satisfaction of the Yarra City Council.

Amended Waste Management Plan

- 6.24 In conjunction with the submission of development plans under clause 6.1, an amended Waste Management Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. 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 Impact Traffic Engineering and dated 28 April 2022 but modified to:

- (a) Assess the proposal as amended under clause 6.1 and its requirements;
- (b) Include details of the size of the bin storage areas and the total footprint of the proposed bins in each M2;
- (c) Methods and regard to a fourth waste stream and how this will be managed in future if separation is required (i.e. glass separation).

Ongoing Waste Management Plan Requirement

- 6.25 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Yarra City Council.

Amended Green Travel Plan

- 6.26 In conjunction with the submission of development plans under clause 6.1, an amended Green Travel Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the 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 Traffic Engineering and dated 28 April 2022 but modified to:
- (a) Assess the proposal as amended pursuant to clause 6.1;
 - (b) Include details on the operation of the secure bicycle parking facility for end users;
 - (c) Include reference to electric bicycle charging spaces;
 - (d) Include details of the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space.

Ongoing Green Travel Plan Requirement

- 6.27 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Yarra City Council.

Department of Transport's Clauses 6.28 – 6.46

- 6.28 Prior to the commencement of the development of the building (excluding demolition and bulk excavation), a road safety audit must be submitted to and approved to the satisfaction of the Minister for Planning in consultation with the Head, Transport for Victoria at no cost to the Minister for Planning and the Head, Transport for Victoria. The road safety audit must be undertaken by a suitably qualified and independent road safety auditor, and must include the following:
- (a) any deficiencies in the proposed left in and left out access arrangement, including but not limited to:
 - (i) sight line issues;
 - (ii) impact of parked vehicles;
 - (iii) proximity to the adjoining vehicle crossover immediately west at 462-482 Swan Street with due consideration of vehicular movements and land use traffic generation;
 - (iv) any other considerations including lighting, signs, line marking, roadside furniture etc.

VicTrack Pedestrian Path

- 6.29 Before the development commences (excluding demolition and bulk excavation), detailed plans (inclusive of materials and landscaping) to the satisfaction of and approved by the Minister for Planning and VicTrack, showing interface improvements for the footpath to the south (directly abutting the subject site's boundaries and extending to the east terminating at Stawell Street).
- 6.30 Before the building is occupied, all works associated with the VicTrack pedestrian path detailed design plan as shown on the endorsed plans must be completed by the developer of the land at their full cost to the satisfaction of the Minister for Planning and VicTrack.
- 6.31 Before the development commences (excluding demolition and bulk excavation), unless otherwise agreed in writing with the Head Transport for Victoria, detailed plans must be provided (inclusive of materials and landscaping) to the satisfaction of the Head, Transport for Victoria (TfV) and Vic Track in consultation with the Rail Operator (RO) showing the development interface improvements for the footpath to the south (directly abutting the subject site's boundaries and extending to the east terminating at Stawell Street) 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 of the land and Rail Operator prior to commencement of the Public Realm Works on Rail Land;
 - (e) The Public Realm Works outlined in the plans must be completed by the developer of the land at their full cost and to the satisfaction of TfV and VicTrack in consultation with the Rail Operator.
- 6.32 Prior to the commencement of work on site (excluding demolition and bulk excavation) 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 and TfV in consultation with 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;
 - (e) demonstrate 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.
- 6.33 Unless otherwise agreed in writing with TfV, before the commencement of works (excluding demolition and bulk excavation), 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 and TfV.
- 6.34 Unless otherwise agreed in writing with the TfV, before the commencement of works (excluding demolition and bulk excavation), 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 of the land.
- 6.35 Unless otherwise agreed in writing with TfV, prior to construction commencing (excluding demolition and bulk excavation), 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 of the land. Any costs required to review documents for the construction control and indemnity agreement must be met by the developer of the land.
- 6.36 Unless otherwise agreed in writing with TfV, prior to the commencement of works (excluding demolition and bulk excavation), the developer of the land 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.
- 6.37 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.

- 6.38 Prior to the occupation of the development, all works outlined on the endorsed plans for the left in left out access must be completed with associated signs, to the satisfaction of TfV at the full cost to the developer of the land.
- 6.39 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 in consultation with the Rail Operator. Removal of graffiti must be undertaken at no cost to VicTrack or the Rail Operator.
- 6.40 Unless otherwise agreed in writing, permanent or temporary soil anchors must not be installed on railway land.
- 6.41 Prior to commencement of works (excluding demolition and bulk excavation), the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.
- 6.42 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 of the land.
- 6.43 The developer of the land 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.
- 6.44 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 VicTrack in consultation with the Rail Operator.
- 6.45 No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.

Public Realm Plan(s) / Works / Road Infrastructure

- 6.46 Within six months of commencement of the development or by such later date as is approved by the Minister for Planning, Detailed Design plans (Civil and Landscape) for the Swan Street (abutting the site) and eastern laneway outside the site's property frontages must be prepared, submitted and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the plan will be endorsed and will then form part of the Incorporated Document. The Detailed Design plans must include, but not be limited to, the following:
 - (a) Detailed layout plan indicating all existing and proposed features and surface levels;
 - (b) The reinstatement of the Swan Street footpath and (outside the property's frontage) kerb and channel and reinstatement of any portion of damaged road outside the property's frontage (inclusive of the laneway to the east extending to Stawell Street);
 - (c) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
 - (d) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (e) Stormwater drainage in accordance with the Minister for Planning approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
 - (f) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
 - (g) Signage & line marking plan;
 - (h) All surfaces must be designed in accordance with DDA requirements;
 - (i) Distinct delineation between public and private land along all interfaces, including access connectivity for the laneway at the south eastern corner of the site;
 - (j) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve;

- (k) Existing surface levels must not be altered unless approved by the Minister for Planning. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted.
- 6.47 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, the works shown on the endorsed Public Realm Plan(s) / Works / Road Infrastructure Plan required by clause 6.46 must be carried out at the developer of the lands cost and completed to the satisfaction of the Yarra City Council.
- 6.48 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, any damage to public infrastructure (footpath, kerb and channel, etc) caused by connection works for underground utility services, must be reconstructed:
 - (a) at the developer of the land's cost;
 - (b) to the satisfaction of the Yarra City Council.
- 6.49 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, any damage to public infrastructure resulting from the development must be reinstated:
 - (a) at the developer of the land's cost;
 - (b) to the satisfaction of the Yarra City Council.
- 6.50 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) at the developer of the land's cost;
 - (b) to the satisfaction of the Yarra City Council.
- 6.51 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the developer of the land's cost;
 - (b) to the satisfaction of the Yarra City Council.
- 6.52 Before the building is occupied, or by such later date as approved in writing by the Yarra City Council, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Developer of the land to pay Yarra City 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 of the land.

Civil work and drainage design plans

- 6.53 Within six months of commencement of works, Civil Work and Drainage Design Plans prepared to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. Once the plan is approved, it will be endorsed and will then form part of the permit. The Civil Work and Drainage Design Plans must provide:
 - (a) Be consistent with the public realm plan required under clause 6.46.
 - (b) Provide for all civil and drainage works that are required to the abutting road frontages, as part of the development and proposed public realm works;
 - (c) Include underground drainage to the north of Swan Street and east along the laneway;
 - (d) Include a stormwater and flooding analysis and catchment plan as it relates to the development, proposed public realm works and drainage scheme to ensure no 'ponding' or retention of water in the roadways;
 - (e) Be in accordance with the City of Yarra's engineering standards and requirements;

- (f) Be DDA compliant to the satisfaction of Yarra City Council;
- (g) Show all existing and proposed street fixtures and furniture including but not limited to service authority assets, street lighting, signs and line-marking abutting the development;
- (h) Surface material finishes shown and specified to the satisfaction of the Minister for Planning;
- (i) Provide street lighting in accordance with Council standards;
- (j) Ensure co-ordination with public realm works of the adjoining development to the west.

6.54 Before the development is completed or at a later date as agreed in writing by Minister for Planning, all associated works shown on the endorsed Stormwater Analysis, Catchment and Drainage Plan must be fully constructed and completed by the developer of the land, all to the satisfaction of the Yarra City Council.

Car Parking

6.55 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning in consultation with Yarra City Council, 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;
- (d) line-marked or provided with some adequate means of showing the car parking spaces;

all to the satisfaction of the Minister for Planning.

6.56 Before the building is occupied, a Car Park Management Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. 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 and location of car parking spaces, including DDA spaces;
- (b) the management of car parking spaces and security arrangements for employees of the development;
- (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (d) policing arrangements and formal agreements;
- (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) details regarding the management of loading and unloading of goods and materials;
- (g) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public.

6.57 The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Minister for Planning.

6.58 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, 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 Yarra City Council.

Detailed Design Plan (Through-link between Swan Street and land to the south and laneway to the east)

6.59 Within 12 months of the commencement of works, a detailed design plan for the through-link, between Swan Street and the land to the south (inclusive of the full extent of the pedestrian walk to the south and to the kerb line to the north, including the link to the laneway to the east) to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation

with Yarra City Council. When approved, the detailed design plan will be endorsed and will form part of this Incorporated Document and must then be maintained to the satisfaction of the Yarra City Council.

The detailed design plan must include details of the proposed materials, landscaping, lighting and safety measures to provide unfettered 24-hour public access for the through-link, between Swan Street and the land to the south (inclusive of the full extent of the pedestrian walk to the south and to the kerb line to the north).

Section 173 Agreement (Through-link between Swan Street and land to the south and laneway to the east)

- 6.60 Before the building is occupied, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with Yarra City Council 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 (and inclusive of the provision of lighting) over that part of the land to be used for the ground floor, north-south through-link from Swan Street to the pedestrian path to the south and the laneway to the east;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in clause 6.51 (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 6.51 (a).
- 6.61 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 Yarra City Council.

General

- 6.62 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;
 - (d) the presence of vermin;
- to the satisfaction of the Yarra City Council.
- 6.63 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 Yarra City Council.
- 6.64 Except with the prior written consent of the Minister for Planning, delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
- 6.65 The development must comply at all times with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).
- 6.66 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Minister for Planning.

- 6.67 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 Yarra City Council.
- 6.68 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, all new on-boundary walls must be cleaned and finished to the satisfaction of the Yarra City Council.
- 6.69 All buildings and works must be maintained in good order and appearance to the satisfaction of the Yarra City Council.
- 6.70 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 Minister for Planning.
- 6.71 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, 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;
 - (d) Of appropriate intensity;
 - (e) to the satisfaction of the Minister for Planning.

Development Contributions

- 6.72 Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

Construction Management Plan

- 6.73 Before the development commences, a Construction Management Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. 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 Yarra City 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;
 - (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 Minister for Planning 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 Minister for Planning. 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;
 - (q) other relevant considerations; a
 - (r) any site-specific requirements;
- During the construction:
- (s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (t) 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;
 - (u) vehicle borne material must not accumulate on the roads abutting the land;
 - (v) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads;
 - (w) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Ongoing Construction Management Plan Requirement

- 6.74 The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Yarra City Council.

Construction Times

- 6.75 Except with the prior written consent of the Minister for Planning, 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;
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
- 6.76 Any plans and reports endorsed by the Minister for Planning pursuant to any condition of this Incorporated Document may be amended with the written consent of the Minister for Planning.

7.0 TIME EXPIRY

7.1 This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; and
- (b) the development is not completed within four years of the date of this permit.

7.2 The Minister for Planning may extend the periods referred to in this Incorporated Document if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Department of Transport and Planning Notes

- *As the planning application relates to a site that is within approximately 400 metres of the Richmond stack, it may impact on or be impacted by, the City Link stack plume dispersal. The stack emits exhaust from the City Link tunnels into the atmosphere, and is licensed by the Environment Protection Authority.*
- *Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Transport 2 Zone (Swan Street). Please contact Head, Transport for Victoria prior to commencing any works.*