

**YARRA PLANNING SCHEME
INCORPORATED DOCUMENT**

462-482 Swan Street, Richmond

September 2020

5.0 THIS DOCUMENT ALLOWS

The Incorporated Document allows for the development of a thirteen (13) storey mixed use development consisting of a two-storey basement car park, one-storey of plant, ground floor retail and food and drink premises, and upper floors of office floorspace, and 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:

- (a) DA1001 – DA1016 (Rev D), Architectus, July 2020
- (b) DA2001 – DA2013 (Rev D), Architectus, July 2020
- (c) DA2101 – DA2105 (Rev D), Architectus, July 2020
- (d) Materials Schedule (Rev D), July 2020
- (e) Façade Strategy and Materials and Finishes Plan (as per Clause 6.2)
- (f) Landscape Plan, TLC, April 2020 (modified as per Clause 6.6)
- (g) Sustainable Management Plan, Floth, 16 April 2020 (modified as per Clause 6.10)
- (h) Green Travel Plan, Impact, 16 April 2020 (modified as per Clause 6.13)
- (i) Waste Management Plan, WSP, May 2020 (modified as per Clause 6.15)
- (j) Acoustic Report, Floth, 17 April 2020 (modified as per Clause 6.18)
- (k) Acoustic Report supplementary (as per Clauses 6.20 and 6.21)
- (l) Wind Tunnel Report, MEL Consultants, 17 April 2020 (modified as per Clause 6.22)
- (m) Car Park Management Plan (as per Clause 6.24)
- (n) Design Detail Plan (as per Clause 6.30)
- (o) VicTrack Landscape Zone and Pedestrian Path plans (as per Clause 6.31)
- (p) Infrastructure and Streetscape Masterplan (as per Clause 6.33)
- (q) Section 173 Agreement - widening of Swan and Burnley Streets and the land to the south (as per Clause 6.35)
- (r) Section 173 Agreement – Net community benefit (as per Clause 6.37)
- (s) Road Safety Audit, post-development Road Safety Audit, and detailed plans for Transport for Victoria and VicTrack (Clauses 6.39 - 6.57)

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

3D Model

- (a) An updated 3D model of the development and its surrounds in conformity with the Department of Environment, Land, Water and Planning Infrastructure Advisory Note – 3D Digital Modelling.

Reports and Plans

- (b) At least 50% of bike racks to be provided at grade;
- (c) Provision of space for cargo bikes.
- (d) Any requirement of the endorsed Landscape Plan (Clause 6.6) where relevant to show on plans.
- (e) Any requirement of the endorsed Sustainable Management Plan (Clause 6.10) (where relevant to show on plans).
- (f) Any requirement of the endorsed Waste Management Plan (Clause 6.15) (where relevant to show on plans).

- (g) Any requirement of the endorsed Wind Tunnel Report (Clause 6.22) (where relevant to show on plans).
- (h) Any requirement of Transport for Victoria (Clauses 6.39 - 6.57)(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 Minister for Planning must be submitted to and be approved by the Minister for Planning. 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;
 - 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) 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 Within six months of commencement, the 'Right of Carriageway' as shown on Title plan No. 592681C must be removed and the 'road' as shown on the Title plan NO. 686205P must be discontinued and form part of the subject site.

6.6 Landscape Plan

Within six months of commencement, an amended Landscape Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. 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 6.30-6.33.

6.7 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.

6.8 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.

6.9 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.

6.10 Sustainable Management Plan

Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. 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 building constructed under a carbon neutral framework.
 - (b) A commitment to electric vehicle charging infrastructure for at least 5% of vehicle spaces to be provided.
 - (c) The provision of 326 employee bicycle spaces.
 - (d) 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.
 - (e) Size and capacity of the proposed solar PV array.
- 6.11 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the responsible authority.
- 6.12 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 Minister for Planning. This report must be to the satisfaction of the Minister for Planning and must confirm all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.
- 6.13 Green Travel Plan**
- Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. 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.
 - (e) Details of bicycle parking with at least 50% of the bike racks at grade, including space for cargo bikes and charging points for E-bikes and information on access to visitor bicycle parking.
- 6.14 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the responsible authority.
- 6.15 Waste Management Plan**
- Before the development commences (excluding and demolition and bulk excavation), an amended Waste Management Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. 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; and
 - (b) A separate waste stream and bin for glass.
- 6.16 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the responsible authority.
- 6.17 The collection of waste from the site must be by private collection, unless with the prior written consent of the responsible authority.
- 6.18 Acoustic Report**
- Before the development commences (excluding demolition and bulk excavation), an amended Acoustic Report to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. 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 the means by which the long-term averages for road traffic noise have been derived.

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

6.20 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 Minister for Planning must be submitted to, and be approved by, the Minister for Planning. 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.

6.21 Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the Minister for Planning must be submitted to, and be approved by, the Minister for Planning. 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; and
- (b) Compliance with any recommendations or requirements of the report referenced within Clause 6.18.

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

6.22 Wind Tunnel Report

Before the development commences (excluding demolition and bulk excavation), an amended Wind Tunnel Report to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. 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.
- (f) Landscaping is not to be used as a wind mitigation measure.

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

6.24 Car Park Management Plan

Before the development commences (excluding demolition and bulk excavation), a Car Park Management Plan to the satisfaction of the Minister for Planning must be submitted to and approved by

the Minister for Planning. 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 wayfinding, 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 6.15; and
- (g) Details regarding the management of loading and unloading of goods and materials.

6.25 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.

6.26 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.

6.27 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.

6.28 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.

6.29 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).

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

Within six months of the development commencing, the owner of the site must submit detailed engineering and landscaping documentation to the satisfaction of the Minister for Planning and approved by the Minister for Planning 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 D.
- (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 D.
- (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 6.33.
 - 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 Minister for Planning.
- 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.

6.31 VicTrack Landscaped Zone and Pedestrian Path

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 Minister for Planning 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.

6.32 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.

6.33 Infrastructure and Streetscape Masterplan

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:

- (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.
 - ii. 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.

6.34 Timing of works

The extent and scope of all works must be clearly defined before approval of plans required by Clauses 6.30, 6.31 and 6.33, and must be fully constructed and completed by the owner at their full cost and to the satisfaction of the responsible authority. All traffic mitigation, road infrastructure and streetscape works shall be funded by the developer.

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

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(s) 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(s) is responsible for maintaining at all times the areas that are private land open to the public described in Clause 6.35(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council; and
- (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 6.35(a).

6.36 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.

6.37 Section 173 Agreement (Net Community Benefit)

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) Making arrangements for the provision of community benefit in the form of:
 - i. \$250,000 for Public Art on the site;
 - ii. The building constructed under a Carbon Neutral framework;
 - iii. An Aboriginal employment program in partnership with the Building partner; and
 - iv. A 200 square metres to a social enterprise or creative design tenant(s) and will make this space available at a discount to market rents for a minimum period of ten (10) years.
- (b) Cancel the redundant Section 173 Agreement (A004195A dated 01/07/2018).

6.38 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.

6.39 Head, Transport for Victoria and VicTrack

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 Minister for Planning. 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 agreed 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.

6.40 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 Minister for Planning. 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.

- 6.41 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.
- 6.42 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; and
 - (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.
- 6.43 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, the Head TfV and the Rail Operator (RO). The Plans must detail all excavation design and controls of the site adjacent to the railway land. The Design Plans must ensure compliance with:
- (a) Building clearances to aerial power lines as per the applicable Victorian Electrical Safety (Installations) Regulations;
 - (b) Design loadings for the building from the nearest rail track includes:
 - i. Compliance with AS5100.2-2017 Design Loads,
 - ii. Compliance with AS1170.4 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 enable any risk of debris falling or being thrown onto railway land.
- 6.44 Unless otherwise agreed in writing with TfV, before the commencement of works (including demolition), a Construction Management Plan must be submitted to TfV and VicTrack 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 VicTrack 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 VicTrack and TfV.
- 6.45 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.

- 6.46 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.
- 6.47 Unless otherwise agreed in writing with TfV, prior to the commencement of works (excluding demolition), the 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.
- 6.48 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.
- 6.49 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.
- 6.50 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.
- 6.51 Unless otherwise agreed in writing, permanent or temporary soil anchors must not be installed on railway land. All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.
- 6.52 Prior to commencement of works, 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.
- 6.53 Any Rail Operator costs required to review documents or construction plan works within the rail environment must be met by the developer.
- 6.54 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.
- 6.55 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.
- 6.56 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.
- 6.57 No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.
- 6.58 Road Infrastructure**
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;
 - (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; and
 - (f) The vehicle crossing shall be constructed in accordance with Department of Infrastructure's and City of Yarra's requirements and specifications.
- 6.59 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.
- 6.60 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.
- 6.61 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.
- 6.62 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.
- 6.63 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.
- 6.64 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.

6.65 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.

6.66 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.

6.67 Lighting

Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, 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 Minister for Planning. Notations must confirm that the lighting scheme has been approved by CitiPower and all lighting infrastructure and hardware will be funded by the developer.

6.68 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.

6.69 General

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, wastewater, waste products, grit or oil, or
- (d) The presence of vermin

to the satisfaction of the responsible authority.

6.70 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.

6.71 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the responsible authority.

6.72 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.

6.73 The development must comply at all times with the State Environment Protection Policy –Control of Noise from Commerce, Industry and Trade (SEPP N-1).

- 6.74 The uses must comply at all times with the State Environment Protection Policy –Control of Music Noise from Public Premises (SEPP N-2).
- 6.75 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.
- 6.76 All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
- 6.77 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.
- 6.78 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.

6.79 Construction Management Plan

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. 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 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;
 - 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) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

6.80 Developer Contribution

Prior to the commencement of the development, the developer must pay the responsible authority a \$10,000 contribution for the installation of bicycle access improvements, to the subject site as agreed in writing to the satisfaction of the responsible authority.

- 6.81 The responsible authority must use the funds on the agreed project within 12 months of the development completion; 12 months after the development completion, the developer may request a refund for the full amount if the agreed project has not commenced or is not proposed to proceed.

6.82 Yarra Trams

Prior to the commencement of works, the developer must submit a work inquiry to permits@yarratrams.com.au in order to ascertain Yarra Trams (YT) requirements such as clearance distances from YT pole, infrastructure and assets impacted by the proposed work.

6.83 Section 173 agreement (windows and southern boundary)

Prior to the commencement of the development 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* to provide for the removal of windows / openings if the adjoining property to the south is further developed in a manner which would affect these windows / openings. The owner of the property being developed must pay all of the responsible authority's reasonable legal costs and expenses of this agreement including preparation, execution and registration on title.

Notes:

- All future businesses (whether as owners, leases / tenants, occupiers) within the development approved under this Incorporated Document, will not be permitted to obtain business parking permits.
- 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 developer 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>

VicTrack Note

- Before the commencement of the development, including demolition or bulk excavation, the developer must contact VicTrack through the email address External.Property@VicTrack.com.au to obtain VicTrack's conditions and safety requirements for works on, over or adjacent to the railway land.

7.0 DEVELOPMENT TIME LIMIT

Notwithstanding other provisions of these requirements, the development permitted by this Incorporated Document will expire if the development is not started within two years of the date of the gazettal of Amendment C282yara to the Yarra Planning Scheme.

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