

# **351-353 Church Street, Richmond**

## **Incorporated Document**

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**February 2019**

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

**This document was incorporated into the Yarra Planning Scheme via Yarra Planning Scheme Amendment C225.**

# **1. INTRODUCTION**

This document is an incorporated document at Clauses 45.12 and 72.04 of the Yarra Planning Scheme (planning scheme) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

The land identified in Clause 3 of this document may be used and developed in accordance with the specific control in Clause 4 of this document.

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

The incorporated document includes plans endorsed under the incorporated document.

## **2. PURPOSE**

The purpose of the control in this document is to allow the use and development of land for the purposes of a Residential aged care facility.

## **3. LAND TO WHICH THIS DOCUMENT APPLIES**

The control in this document applies to land marked as SCO1 on Yarra Planning Scheme Map 8SCO.

## **4. CONTROL**

### **4.1 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, control, or restrict the development (excluding subdivision) of the land for the purposes of a six storey Residential aged care facility, partial demolition of the existing heritage building and heritage conservation works in accordance with the conditions in Clause 4.2 of this document, except as otherwise agreed to by the responsible authority.

### **4.2 CONDITIONS**

The use and development permitted by this document must be undertaken in accordance with the following conditions:

## Amended plans

4.2.1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and 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 plans TP03-TP14, TP20, TP21, TP25, TP26 and TP41-TP45, all Rev D, prepared by CHT Architects but modified to show:

- a) Any changes required by the Landscape Plan in condition 4.2.6.
- b) Any changes required by the Sustainable Management Plan in condition 4.2.9.
- c) The internal driveway connection with the basement ramp modified to be generally in accordance with GTA Drawing V150080-AT01-01, contained within Mr Tim De Young's Transport Evidence Statement- dated 20.06.18.
- d) An additional three bicycle spaces for staff.
- e) The driveway designed as a "shared zone" with suitable signage.
- f) Deletion of the glazed airlock shown at the building frontage on TP09.
- g) A schedule of colours for all external heritage fabric including render, ironwork and joinery supported by a report undertaken by a suitably qualified heritage consultant.
- h) A schedule of colours and materials for all new buildings and works showing:
  - i. A colour and materials selection for new buildings and works to north, south and west elevations. These colours to be generally consistent with option 3 (pages 62 and 63) of the Panel Hearing Booklet, Yarra Planning Scheme Amendment C225, 351-353 Church Street, Richmond, and prepared by CHT Architects, dated June 2018.
  - ii. A colour and materials selection for new buildings and works for the east elevation.
- i) Any changes required by the Conservation Works Plan in condition 4.2.27.
- j) Deletion of the proposed window openings to the northern elevation of the original heritage building. The carriageway grade, line marking and hand rail to be designed generally in accordance with plans TP09 and TP81, Rev E with the addition of lighting to the carriageway area.
- k) Habitable room windows or balconies with the potential to overlook

habitable room windows or communal open space of 354 Church Street, Richmond having either:

- Sill heights of at least 1.2 metres above floor level.
- Fixed, obscure glazing in any part of the window below 1.2 metres above floor level.
- Permanently fixed external screens to at least 1.2 metres above floor level and be no more than 25 per cent transparent.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

to the satisfaction of the responsible authority.

- 4.2.2. The development shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
- 4.2.3. Without the prior written consent of the responsible authority, no more than 80 single and/or double lodging rooms are permitted on the land at any one time.
- 4.2.4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the responsible authority.

#### Ongoing architect involvement

- 4.2.5. As part of the ongoing consultant team, CHT Architects or an architectural firm to the satisfaction of the responsible authority must be engaged to:
  - a) Oversee design and construction of the development.
  - 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 responsible authority.

#### **Landscaping**

- 4.2.6. Before the development starts, a Landscape Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the Landscape Plan will be endorsed and will form part of this Incorporated Document. The amended Landscape Plan must be generally in accordance with the Landscape Plan L-TP01 prepared by John Patrick Landscape Architects Pty Ltd and dated June 2018 but modified to include (or show) permeable paving (which may include decking) surrounding the Oak tree to ensure the roots are able to receive sufficient water.
- 4.2.7. Before the building is occupied or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

- a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the responsible authority.
- 4.2.8. A cash bond for \$5,000 plus a non-refundable 5% service charge of \$250 shall be lodged with the responsible authority prior to the approval of the Landscape Plan to ensure the completion and establishment of landscaped areas. This cash bond will only be refunded upon the expiry of a 13 week establishment period, beginning when the responsible authority is satisfied with the completed landscaping works, and provided that the landscaped areas are being maintained to the satisfaction of the responsible authority.

### **ESD Report**

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

### **Waste Management**

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

## **Car Parking and Traffic**

- 4.2.13. The car parking area must be used for no other purpose to the satisfaction of the responsible authority.

## **Vehicle crossings and accessways**

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

## **Drainage**

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

## **Construction**

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

## **Amenity**

- 4.2.18. Any noise emanating from the development including plant and other equipment, must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority, to the satisfaction of the responsible authority.

## **Privacy screens**

- 4.2.19. Before the building is occupied, or by such later date as approved in writing by the responsible authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the responsible authority. Once installed the screening and

other measures must be maintained to the satisfaction of the responsible authority.

### **Tree Management Plan**

4.2.20. Before the development starts, an amended Tree Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this Incorporated Document. The amended Tree Management Plan must be generally in accordance with the Tree Management Plan prepared by Tree Logic and dated 20 October 2015 and supplemented by an addendum report dated 11 November 2017, but modified to include (or show):

- a) any changes resulting from the endorsed plans
- b) any changes resulting from the endorsed Landscape Plans
- c) any construction techniques required to protect vegetation within the property at 345 Church Street
- d) drip irrigation for the trees located along the eastern boundary.

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

### **Lighting**

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

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

to the satisfaction of the responsible authority.

### **Construction Management Plan**

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

- a) a pre-conditions survey (dilapidation report) of the land and all adjacent 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. storm-water contamination from run-off and wash-waters;
  - v. sediment from the land on roads;
  - vi. washing of concrete trucks and other vehicles and machinery; and
  - vii. spillage from re-fueling cranes and other vehicles and machinery;
- i) the construction program;
- j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- k) parking facilities for construction workers;
- l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- n) an emergency contact that is available for 24 hours per day for residents and the responsible authority in the event of relevant queries or problems experienced;
- o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;



- p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the responsible authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - i. using lower noise work practice and equipment;
  - ii. the suitability of the land for the use of an electric crane;
  - iii. silencing all mechanical plant by the best practical means using current technology;
  - iv. fitting pneumatic tools with an effective silencer;
  - v. other relevant considerations; and
  - vi. any site-specific requirements.
- q) any storm-water discharged into the storm-water drainage system must be in compliance with Environment Protection Authority guidelines;
- r) storm-water drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the storm-water drainage system;
- s) vehicle borne material must not accumulate on the roads abutting the land;
- t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads;
- u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
- v) any recommendations set out in condition 4.2.27.

4.2.24. If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the responsible authority.

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

### **Construction hours and noise**

4.2.26. Except with the prior written consent of the responsible authority, demolition or construction works must not be carried out:

- a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
- b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
- c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### **Conservation Works Plan**

- 4.2.27. Before the development commences, a Conservation Works Plan for works to external heritage fabric must be prepared by a suitably qualified structural engineer and must be submitted to and approved by the responsible authority. When approved, the Conservation Works Plan will be endorsed and will form part of this Incorporated Document. The Conservation Works Plan must include provision for the protection, temporary support, retention and/or reinstatement of the existing chimneys, roof form and other retained heritage elements during demolition, excavation and construction works.
- 4.2.28. The provisions, recommendations and requirements of the endorsed Conservation Works Plan must be implemented and complied with to the satisfaction of the responsible authority and all works must be completed prior to the occupation of the development or the grant of permission for occupancy authorised under the *Building Act 1993*.

## **5. EXPIRY**

The control in this document expires if any of the following circumstances apply:

- The development allowed by the controls is not commenced within two (2) years from the date of approval of Amendment C225 to the Yarra Planning Scheme.
- The development allowed by the controls is not completed within four (4) years from the date of approval of Amendment C225 to the Yarra Planning Scheme.

The responsible authority may extend the periods referred to if a request is made in writing before the control expires or within 6 months afterwards for the commencement of the development, or within twelve months afterwards for the completion of the development.

