

**INCORPORATED
DOCUMENT**

**VICTORIAN INSTITUTE OF FORENSIC
MENTAL HEALTH**

Thomas Embling Hospital

August 2020 (updated August 2022)

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 C279yara.

YARRA PLANNING SCHEME

1. INTRODUCTION

This document is an incorporated document in the schedule to Clause 45.12 and the schedule to Clause 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 other contrary or inconsistent provision in the planning scheme.

2. PURPOSE

The purpose of this incorporated document is:

- I. To allow the use and development of land for the purposes of co-location, redevelopment and expansion of the – Forensicare Hospital Based Services and Disability Forensic Assessment and Treatment Services (DFATS) on the one campus at the current Thomas Embling Hospital and DFATS sites in Fairfield (the **Project**), in accordance with clauses 4 and 5 of this Incorporated Document.
- II. To ensure that the use and development of land for hospital occurs with minimal negative impact on surrounding land uses.
- III. To ensure that the use and development of land for hospital employs best practice design and landscaping to mitigate visual impacts on the Yarra Bend Park.

3. LAND DESCRIPTION

The control in this document applies to land marked as SCO16 on Yarra Planning Scheme Map 3SCO. This site is within the Yarra Bend Park which is managed by Parks Victoria.

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 provision in the Planning Scheme operates to prohibit, control or restrict the use or development (including demolition, construction and maintenance) of the land for the purposes of the Project. This exemption does not apply to works to the former Morgue building (Building 14) within HO303 and listed on the Victoria Heritage Register H1878.

The use and development of the Project Land for the purposes of, or related to, the Project includes, but is not limited to, the following:

- a) Demolition and removal of existing buildings, including heritage fabric;
- b) Use and development of land for a hospital, including a Women's precinct, DFATS, and low, medium and high security facilities; a new multi-level administration building, multi-storey car park;
- c) Associated buildings and works including:
 - (i) New back of house and servicing facilities;
 - (ii) New vehicle entry gatehouse and security building;
 - (iii) Realignment of the security wall;

- (iv) Internal and external restoration and maintenance works for retained buildings;
 - (v) Relocating, modifying and upgrading services and utilities;
 - (vi) New utilities and servicing infrastructure for new and additional buildings;
 - (vii) Creation and alteration of access to roads;
 - (viii) Earthworks including cutting, stockpiling and removal of spoil and formation of drainage works;
 - (ix) Constructing fences, temporary site barriers and site security;
 - (x) Constructing and using temporary access roads, diversion roads and vehicle parking areas, loading and unloading areas, access paths and pedestrian walkways; and
 - (xi) Landscaping;
- d) Removing, destroying and lopping of trees and removing vegetation, including native vegetation and dead native vegetation; and
 - e) Displaying construction, directional and identification signs.

5. CONDITIONS

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

5.1 Concept Plan

Prior to the commencement of preparation of development plans required by Clause 5.2 of this document, a concept plan must be prepared to the satisfaction of the Minister for Planning. The plan must be drawn to scale with dimensions.

5.2 Development Plans

Prior to the commencement of each stage of development, plans for that stage must be prepared to the satisfaction of the Minister for Planning. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the endorsed concept plan but modified to show design detail including external fencing, building height, overshadowing diagrams and landscaping.

5.3 Environmentally Sustainable Design

Prior to commencement of development, or a stage of development, an Environmentally Sustainable Design (**ESD**) Statement must be prepared by an accredited professional to the satisfaction of the Minister for Planning.

The performance outcomes specified in the approved ESD Statement must be implemented to the satisfaction of the Minister for Planning.

Any significant change during detailed design which lowers the performance outcomes of the endorsed ESD Statement must be assessed by an accredited professional and a revised statement must be approved to the satisfaction of the Minister for Planning prior to the commencement of construction.

5.4 Water Sensitive Urban Design

Prior to commencement of development, or a stage of development, a Water Sensitive Urban Design (WSUD) statement must be prepared by an accredited professional to the satisfaction of the Minister for Planning. The statement must address how stormwater runoff and pollution will be managed, to minimise impacts on water quality and amenity of the Yarra River.

WSUD measures in the endorsed WSUD statement must be implemented to the satisfaction of the Minister for Planning.

5.5 Aboricultural Impact Assessment

Prior to commencement of each stage of development, an Aboricultural Impact Assessment must be prepared by an accredited professional to the satisfaction of the Minister for Planning.

Once approved, the Aboricultural Impact Assessment must be implemented to the satisfaction of the Minister for Planning.

5.6 Native Vegetation

Before the removal, destruction or lopping of native vegetation:

- a) Information about that native vegetation, including an avoid and minimise statement, in accordance with the application requirements in *the Guidelines for removal, destruction or lopping of native vegetation (DELWP, December 2017)* must be provided to the satisfaction of the Secretary to DELWP.
- b) The biodiversity impacts from the removal, destruction or lopping of that native vegetation must be offset in accordance with the *Guidelines for removal, destruction or lopping of native vegetation (DELWP, December 2017)*.
- c) Evidence that the required offset/s has been secured must be provided to the satisfaction of the Secretary to DELWP.

The requirements of Clause 5.6 (a), (b) and (c) may be satisfied in stages, however, each requirement must be satisfied prior to the removal, destruction or lopping of native vegetation for that stage.

The secured offset/s for the project may be reconciled at the completion of the project in accordance with the *Assessor's handbook – Applications to remove, destroy or lop native vegetation (DELWP, October 2018)*.

5.7 Construction Management Plan

Prior to the commencement of development, a Construction Management Plan (CMP) must be prepared to the satisfaction of the Minister for Planning. 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) Site security;
- (e) Management of any environmental hazards including:
 - (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-fuelling cranes and other vehicles and machinery;
- (f) Preferred arrangements for trucks delivering to the land, including delivery and unloading points;
- (g) Parking facilities for construction workers;
- (h) Measures to ensure that all work on the land will be carried out in accordance with the CMP;
- (i) A Noise and Vibration management plan showing methods to minimise noise and vibration impacts on nearby properties;
- (j) Sediment control and site drainage;
- (k) Hours of construction activity; and
- (l) Management of building material waste.

If required, the CMP may be approved in stages. Construction of each stage must not commence until a CMP has been endorsed for that stage, to the satisfaction of the Minister for Planning.

The provisions, recommendations and requirements of the endorsed CMP must be implemented and complied with to the satisfaction of the Minister for Planning.

5.8 Heritage Management

Prior to the demolition or removal of buildings 11 and 12, a full photographic survey of the building/s, comprising photographs of both the exterior and interiors of the building/s and contextual images on the building/s environs and its setting must be prepared in accordance with Heritage Victoria guidelines to the satisfaction of the Minister for Planning, except as otherwise agreed by the Minister for Planning.

A Heritage Management Plan must be prepared to the satisfaction of the Minister for Planning for:

- Those stages of development with a direct interface with the former Morgue Building (Building 14) and Yarra House (at 101 Yarra Bend Road) to address the relationship between new buildings and the aforementioned buildings as listed on the Victorian Heritage Register H1878 and/or;
- The conservation and management of Buildings 11 and 12 in the event any parts of these buildings are retained and/or
- Works within Yarra Bend Park as included in the Victorian Heritage Register (VHRH2398) addressing any potential impacts on the state-level historical and archaeological values of the registered place.

The Heritage Management Plan must be submitted with the corresponding Development Plans required under Clause 5.2 and, if necessary, will be amended with each subsequent Stage as required.



Figure 1: Existing site plan showing building numbers

5.9 Urban Design / Visual Impact Assessment

Prior to the commencement of a particular building or works, that exceed(s) four (4) storeys in height (excluding any plant, lift overruns, solar panels or similar), a design statement and/or visual impact assessment which outlines measures to minimise any light spill and overshadowing on the Yarra River, public open space or shared paths and to mitigate the visual impacts of the building or works must be prepared to the satisfaction of the Minister for Planning. Specifically, the assessment should address visual impacts and overshadowing on the Yarra River corridor, heritage buildings to the north and the Yarra Bend Park.

5.10 Other Conditions

Unless otherwise stated, the plans and other documents listed in Clause 5 must be approved prior to the commencement of buildings and works. Plans and other documents may be prepared and approved for separate components or stages of the project, but each plan or other document must be approved before commencement of works for that component or stage.

The plans and other documents may be amended from time to time to the satisfaction of the Minister for Planning.

The use and development of land must be undertaken generally in accordance with the approved plans and documents required under Clause 5 above, or as may be subsequently amended.

6. PREPARATORY BUILDINGS AND WORKS

The following buildings and works may commence in the project area before the plans and other documents listed in Clause 5 are approved:

- Preparatory works for the project including, but not limited to:
 - Works, including vegetation removal, where, but for this document, a planning permit would not be required under the provisions of the planning scheme.
 - Creation and use of construction access.
 - Site establishment works including temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
 - Establishment of temporary car parking.
 - Minor external alterations to existing buildings to enable continued operation of the hospital.
 - Minor servicing upgrades and security works and infrastructure.
 - Minor landscaping works
 - Removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.
- Prior to the removal of native vegetation under Clause 6, information about the native vegetation to be removed must be provided to the satisfaction of the Secretary to DELWP. The information provided to the Secretary to DELWP must include a description of, and maps showing, the native vegetation to be removed in accordance with Application Requirement 1 of the *Guidelines for removal, destruction or lopping of native vegetation (DELWP, December 2017)*.
- The biodiversity impacts from the removal of native vegetation under Clause 6 must be included in the total biodiversity impacts when determining the offset(s) in accordance with Clause 5.6 (b).
- Any works in line with an approved planning permit.

7. EXPIRY

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

- The development allowed by the control is not commenced by 31 October 2023.
- The development allowed by the controls is not completed by 31 October 2025.