

05/06/2014  
GC6**SCHEDULE 1 TO THE PRIORITY DEVELOPMENT ZONE**

Shown on the planning scheme map as **PDZ1**

**Victoria Street East Precinct**

The Yarra Gardens Precinct Plan – December 2009 is the Incorporated Plan for the land.

**Land**

The land comprises the area bounded by Walmer Street, Victoria Street, Flockhart Street, land immediately north of Shamrock Street and the Yarra River. The area comprises the following precincts referred to in the Incorporated Plan and depicted on the Map to this schedule:

Precinct 1 – Yarra Gardens

Precinct 2 – Shamrock Street North

**Objectives**

To provide for the development of a mixed use precinct as part of the Victoria Street Major Activity Centre.

To give effect to the objectives and design principles of the Yarra Gardens Precinct Plan – December 2009.

**1.0**05/06/2014  
GC6**Table of uses****Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Car park</b>	Must be associated with uses in Precincts 1 or 2
<b>Child care centre</b>	
<b>Dwelling</b>	
<b>Electoral office</b>	May be used for only 4 months before an election and 2 weeks after an election.
<b>Food and drink premises</b>	Must be located in Precinct 1
<b>Home occupation</b>	
<b>Informal outdoor recreation</b>	
<b>Medical centre</b>	
<b>Minor utility installation</b>	
<b>Restricted Retail Premises</b>	
<b>Shop (other than Adult sex bookshop and Restricted retail premises )</b>	Must be located at ground level

<b>Use</b>	<b>Condition</b>
<b>Office</b>	Pedestrian access must not be shared with a dwelling (other than a caretaker's house), unless the office is a bank, real estate agency, travel agency, or any other office where the floor space adjoining the frontage is a customer service area accessible to the public.
<b>Trade Supplies</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

**Section 2 - Permit required**

<b>Use</b>	<b>Condition</b>
<b>Accommodation (other than a Dwelling, Corrective institution)</b>	
<b>Education Centre</b>	
<b>Place of Assembly</b>	
<b>Retail Premises (other than a Food and Drink premises, Shop, Restricted Retail Premises and Trade Supplies)</b>	Must be located in Precinct 1
<b>Warehouse</b>	Must not be a purpose listed in the table to Clause 52.10
<b>Any other use not in Sections 1 or 3</b>	

**Section 3 - Prohibited**

<b>Use</b>
<b>Adult Sex Bookshop</b>
<b>Agriculture</b>
<b>Brothel</b>
<b>Car Wash</b>
<b>Cemetery</b>
<b>Corrective Institution</b>
<b>Crematorium</b>
<b>Extractive Industry</b>
<b>Funeral Parlour</b>
<b>Industry (other than Car Wash, Dry Cleaner and Laundromat)</b>
<b>Mineral exploration</b>
<b>Mining</b>
<b>Saleyard</b>
<b>Service Station</b>
<b>Any section 2 use if the condition is not met</b>

## 2.0

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### Use of land

#### Amenity of the neighbourhood

A use must not have a detrimental impact on the amenity of the neighbourhood or surrounding uses, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

#### Noise attenuation

Use of land for accommodation must be contained within a building:

- Which incorporates noise attenuation measures in accordance with AS2107 to the satisfaction of the responsible authority.
- That if incorporating private open spaces, including balconies, locates and if necessary, screens those areas, to attenuate industrial noise to within the requirements of SEPP N-1.

#### Application requirements

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land including noise levels, traffic, the hours of delivery and dispatch of goods and materials, hours of operation and light spill, solar access and glare.
- Maintenance of areas not required for immediate use.

## 3.0

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### Subdivision

No specific requirements.

## 4.0

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### Buildings and works

A permit is not required to construct a building or to construct or carry out works if in accordance with an approved development plan.

A permit is required to construct a building or carry out works that exceed the height above the Relative Level (RL) and setbacks for any particular site as shown on the building envelope plans contained within the incorporated plan.

This does not apply to:

- 'architectural projections'- i.e. light or minor complementary architectural elements distinguished from their primary building forms and involving point form projections of no more than 1.5m to 2.0 m.
- built form above the RL37 podium to Victoria Street frontage if the built form does not exceed 20% of that frontage.

## 5.0 Other Provisions of the Scheme

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The provisions of Clause 42.01 Environmental Significance Overlay, Clause 43.02 Design and Development Overlay, Clause 44.04 Land Subject to Inundation Overlay, Clause 52.06 Car Parking and Clause 52.07 Loading Bays do not apply to development in accordance with an approved development plan.

The provisions of Clause 52.01 Public Open Space Contribution and Subdivision do not apply to development in accordance with an approved Development Plan where any of the land has been subject to Public Acquisition Overlay - schedule 2 (PAO2) under Clause 45.01 and transferred to the acquiring agency at no cost.

## 6.0 Development plan

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A development plan for each precinct, or part of a precinct, including an amendment to a development plan, may be submitted to the Responsible Authority for approval and may be approved with or without conditions.

A development plan must be to the satisfaction of the responsible authority, be generally in accordance with the Incorporated Plan, and must include as appropriate:

- A site analysis and design response, including the boundaries and dimensions of the site, adjoining buildings and roads, generally in accordance with the provisions of Clause 52.35.
- A detailed assessment against the purpose statements, design guidelines and height and setback envelopes contained within the Incorporated Plan.
- The location and height of all buildings and works, including the relevant ground levels and building heights to Australian Height Datum (AHD).
- Detailed elevations and sections drawn to scale including heights to Australian Height Datum (AHD).
- A coloured set of elevations and or perspectives including a samples board detailing the colours and materials to be used.
- Shadow diagrams detailing existing and proposed shadows at 9am, 12noon and 3pm at the equinox.
- The proposed uses for each building.
- The number and layout of all car parking spaces and access lanes.
- The number and location of all bicycle parking and associated facilities.
- The location of all loading areas and access to and from.
- Construction details of all roads, accessways, drainage works, vehicle parking and loading areas.
- Transport management measures in accordance with Clause 8 of this schedule.
- A pedestrian access and movement plan, including details of access for people with disabilities.
- The location of all vehicle, bicycle and pedestrian accessways, including links to the Yarra River.
- The location and details of all open space, including areas available to the public.
- A landscape plan in accordance with Clause 10 of this schedule.
- An explanation of the ecologically sustainable development (ESD) principles adopted for the proposed development.

- An acoustic plan in accordance with Clause 9 of this schedule.
- A wind assessment for new developments of four storeys or more, excluding a basement.
- A heritage report where development directly interfaces with the Terminus Hotel at 605 Victoria Street Abbotsford.
- A floodplain protection plan in accordance with Clause 11 of this schedule.
- Details of waste collection, storage and removal facilities and areas.
- Details of external lighting treatment.
- The indicative location, type and design of proposed signs.

## 7.0

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### Display of plans

Before deciding to approve a development plan the responsible authority must display the plan for public comment.

Notice must be given to Yarra City Council, the Abbotsford Brewery, Melbourne Water, Parks Victoria, VicRoads, Yarra Trams, Boroondara City Council, the owners and occupiers of abutting land in Victoria Street and the owners and occupiers of land abutting Flockhart and Shamrock Streets.

A development plan must be displayed or further information required within 28 days after the plan is received by the responsible authority. The plan must be displayed within 14 days of satisfactory further information being received.

The development plan must be displayed for at least 14 days, but no longer than 28 days. The responsible authority must consider any comments received in response to the display of the plan.

The responsible authority must make a decision on the plan or amendment within 42 days after the completion of the display.

The responsible authority may approve a minor amendment to a development plan without any further display.

## 8.0

30/08/2007  
C95

### Transport plan

A development plan or an application for the construction of buildings and works must be accompanied by a transport plan to the satisfaction of the responsible authority.

Where a transport plan applies to existing public roads, the plan must be to the satisfaction of VicRoads and the Public Transport Corporation.

A transport plan must show or specify, as appropriate:

- The proposed traffic management and control works on-site and on adjoining roads.
- The means of vehicular ingress and egress to and from the site.
- The arrangements for internal access and movement including details of the internal road or access network and indicative cross-sections.
- The timing of proposed traffic works relative to any staging of the development.
- Preferred locations for loading and unloading.
- Allocation of car parking spaces.
- Pedestrian and bicycle access and movement network.
- Bicycle routes and their connection to the existing network.

- Means of integration with public transport.
- Proposed sustainable travel initiatives, including estimated mode share targets and actions to encourage use of public transport and non-motorised travel.

The transport plan may be amended to the satisfaction of the responsible authority.

## 9.0

### Acoustic plan

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C95

A development plan or application for buildings and works for land that includes a residential component or is within 30 m of a residential zone must be accompanied by an acoustic plan to the satisfaction of the responsible authority.

The acoustic plan must have regard to the sensitive interface design guidelines in the Incorporated Plan and identify:

- Measures to protect residential occupants from noise sources internal and external to the land.
- Treatment of loading bays where they interface with a sensitive use.
- Treatment of mechanical plant and equipment installed or constructed as part of the development.

The acoustic plan must be supported by an acoustic assessment by a qualified acoustic consultant, conducted to the satisfaction of the responsible authority, which demonstrates how noise attenuation is to be achieved. The assessment must include:

- The external noise levels measured by the consultant;
- The internal and external noise levels calculated by the consultant, and the method of calculation; and
- Details of the design of walls, roof, windows, doors, external glazing and air-conditioning or ventilation systems and how these will achieve the required noise attenuation.

The acoustic plan may be amended to the satisfaction of the responsible authority.

## 10.0

### Landscape plan

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A development plan or an application for the construction of buildings and works must be accompanied by a landscape plan to the satisfaction of the responsible authority.

Where a landscape plan applies to land within the Public Acquisition Overlay or Land Subject to Inundation Overlay, the plan must be to the satisfaction of Parks Victoria and Melbourne Water respectively.

A landscape plan must show or include, as appropriate:

- All existing vegetation to be retained or removed.
- Salvage procedures for native fauna.
- The location, quantity and size at maturity of all proposed plants - as far as possible this should include indigenous species and exclude exotic species closest to the river environs.
- The botanical name of all new plantings.
- Details of all proposed design features such as paths, paving and fencing.
- Management requirements for significant vegetation during the construction phase, watering and maintenance methods for new vegetation.

- A schedule of park furniture, public lighting and embellishments.

The landscape plan may be amended to the satisfaction of the responsible authority.

### **11.0 Flood management, waterway and drainage plan**

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A development plan or application for buildings and works or subdivision must be accompanied by a flood management waterway and drainage plan to the satisfaction of the responsible authority. The plan must demonstrate how the design and siting of development responds to and protects the Yarra River's flood plain and addresses drainage, including making provision for water sensitive design and sustainable storm water management practices. The plan must be to the satisfaction of Melbourne Water and may be amended to the satisfaction of the responsible authority and Melbourne Water.

### **12.0 Construction management plan**

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Prior to the commencement of any works, including demolition, a construction management plan must be approved by and then implemented to the satisfaction of the responsible authority. The plan must provide for or include the following:

- a pre-conditions survey of all adjacent Council roads;
- containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build up of matter outside the site;
- on site facilities for vehicle washing;
- methods for management of noise and general nuisance;
- site security;
- waste and storm water treatment;
- construction program;
- preferred routes for trucks delivering to the site;
- delivery and unloading points and expected frequency;
- an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- 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;
- traffic management measures to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- any special arrangement necessary to comply with conditions or statements of environmental audit that apply to the land.

The construction management plan may be amended to the satisfaction of the responsible authority.

### **13.0 Operations management plan**

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Before any new building is occupied, an Operations Management Plan must be approved by and then implemented to the satisfaction of the responsible authority. This does not apply to existing or renovated buildings.

The Operations Management Plan, must provide, as appropriate, for:

- General amenity provisions.

- Set out proposals for the permanent management and upkeep of public areas.
- Operational matters applying to the operation of the retail, entertainment and office components.
- The maintenance of undeveloped land on the site.
- The operation of waste collection.
- The operation and management of car parking spaces.
- Litter management.

The management plan may be amended to the satisfaction of the responsible authority.

## 14.0

### Car parking control

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Car parking must be provided in accordance with the following table:

Use	No. of spaces	Conditions
Food and drink premises	0 spaces per 100sqm of leaseable floor area	
Office	2.1 spaces per 100sqm of net floor area; or 2.5 spaces per 100sqm of net floor area if less than 10,000sqm	
Residential	0.66 to 1 space per dwelling	Provided a Transport Plan is prepared to the satisfaction of the Responsible Authority in accordance with Clause 8.0 of this schedule that demonstrates that a reduced car parking rate is justified having regard to sustainable travel initiatives.
Restricted retail premises	1.5 spaces per 100sqm of leaseable floor area	
Shop	0.5 spaces per 100sqm of leaseable floor area	

A permit may be granted to vary the number of car spaces required for a particular use if the responsible authority is satisfied that the number of spaces required:

- Is unnecessary in the circumstances;
- Can be provided on nearby land; or
- Is necessary to meet the needs of the building occupants.

Before deciding on an application, the responsible authority must consider:

- The likely demand for car parking spaces.
- The extent to which the various uses of the land are likely to generate different levels of demand for car parking at different times.
- The possible multi-use of car spaces for complementary uses.
- The demand for car spaces generated by the uses established in previous stages of the development.
- The accessibility of the site to vehicle traffic.



- The proposed layout of parking areas.
- Any agreements to implement a green travel plan.

## 15.0 Sensitive use and development

10/03/2011  
C128

Before a sensitive use (residential use, child care centre, pre -school, primary school or public open space) commences or before the construction or carrying out of buildings and works, other than demolition and works related to the environmental audit and remediation, in association with a sensitive use commences in any of the three precincts, either:

- A Certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

Unless evidence can be provided to the satisfaction of the responsible authority that the land is suitable for use which could be significantly adversely affected by any contamination.

## 16.0 Legal Agreement

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Within any precinct, before the commencement of any works under an approved development plan or a permit for land within that precinct, the owner/s of the land must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*.

The Responsible Authority may exempt an application from the need to enter into a section 173 agreement as outlined in this provision, having regard to matters such as the nature and scale of the proposed works or development.

The cost of preparing and lodging the agreement, including any Land Titles Office registration fees, must be paid for in full by the owner/s.

The owner will vest the part of the land that is subject to the PAO in the relevant acquisition authority, at no cost to the relevant acquisition authority, at the time of the subdivision of the land or when the works are completed on the land, whichever is the later.

The agreement must provide, to the satisfaction of the responsible authority that the owners will provide all works, services and facilities constituting the infrastructure and development as outlined in the Incorporated Plan by an agreed date, to the satisfaction of the responsible authority. These works can be carried out on a stage to stage basis where works directly relate to the stage being developed. Alternatively, the owners must pay a monetary equivalent to be paid to the City of Yarra. The works, services and facilities include, but are not limited to:

### Precinct 1: Yarra Gardens

- Landscaping works at the interface with the Yarra River and street tree planting along Victoria, Flockhart and Shamrock Streets as outlined in the Landscape Plan to be approved as part of the approved development plan or any planning permit issued;
- Construction of the Walmer Street Plaza in accordance with a design endorsed by the City of Yarra. Works associated with the Plaza include surface treatments, landscaping, furniture, lighting;
- Construction of a dual pedestrian and bicycle path connecting Walmer Street Plaza to Precinct 3 (A continuous pedestrian and bicycle connection shall be provided along the

Yarra River at the lower level and the upper level path to be connected directly to the Walmer Street Plaza);

- The extension of Shamrock Street to provide a pedestrian connection to the Yarra River;
- All proposed traffic management and control works on-site and on adjoining roads as outlined in the Transport Plan to be approved as part of the approved development plan or any planning permit;
- Provision of public infrastructure necessary as a result of the development and in accordance with Council's technical standards i.e. bins, lighting, seating, bicycle hoops;
- Reconstruction of damaged roads, footpaths and any other infrastructure assets
- Drainage works (to include water sensitive design); and

All works to be designed and constructed to the satisfaction of the responsible authority.

### **Precinct 2: Shamrock Street North**

- Landscaping works at the interface with the Yarra River and street tree planting along Flockhart and Shamrock Streets as outlined in the Landscape Plan to be approved as part of the approved development plan or any planning permit issued;
- Construction of a dual pedestrian and bicycle path connecting with the Yarra Gardens paths in Precinct 1 (A continuous pedestrian and bicycle connection shall be provided along the Yarra River at the lower level and the upper level path to be connected to the Walmer Street Plaza via Precinct 1);
- The extension of Shamrock Street to provide a pedestrian connection to the Yarra River;
- All proposed traffic management and control works on-site and on adjoining roads as outlined in the Transport Plan to be approved as part of the approved development plan or any planning permit;
- Provision of public infrastructure necessary as a result of the development and in accordance with Council's technical standards i.e. bins, lighting, seating, bicycle hoops;
- Reconstruction of damaged roads, footpaths and any other infrastructure assets.

All works to be designed and constructed to the satisfaction of the responsible authority.

The agreement must be registered on the title to the land and the agreement may provide for it to end upon satisfaction of the obligations in the agreement.

### **17.0**

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#### **Advertising signs**

Advertising sign requirements are at Clause 52.05. Precincts 1 and 2 are in Category 3.

### **18.0**

30/08/2007  
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#### **Exemption from notice and review**

An application under any provision of this scheme, including this schedule, is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) unless the application is generally in accordance with the Incorporated Plan.

## 19.0 Decision guidelines

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Before deciding on an application or approval of a development plan, construction management plan and operations management plan or any amendment to these plans, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Its consistency with the Incorporated Plan, including the purposes, objectives, design principles and building envelopes within that plan.
- The design response to the Yarra River environs (including visual and physical connections) and the character of the adjoining north Richmond industrial area.
- The interface and contribution to the pedestrian experience of the Yarra River, Victoria Street, Walmer Street and adjoining land.
- The movement of pedestrians and cyclists and vehicles both within sites and in their relationship to the precinct as a whole.
- The means to ensure that ground level river front spaces will be publicly accessible.
- Whether adequate provision has been made for deliveries of supplies, waste removal, emergency services and access to public transport.
- The provision of car parking and transport management.
- The nature and extent of measures to ensure an appropriate level of residential amenity protection from the impacts of noise, light and odours emitted from nearby industrial and non-residential uses, including the Abbotsford Brewery, to enable and not prejudice their ongoing operation.
- The design of buildings to provide solar access.
- The provision made for the storage of waste and materials for recycling.
- The proposed management arrangements for the maintenance of buildings, landscaping and paved areas.
- The drainage of the land and the response to flooding.
- The views of Yarra City Council.

## 20.0 Precinct Map – Yarra Gardens and Shamrock Street North

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