

MELBOURNE PLANNING SCHEME

Incorporated Document

**Former Herald and Weekly Times Building
46 – 74 Flinders Street Melbourne, August 2002**

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

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INTRODUCTION:

This document is an incorporated document in the schedule to Clause 81 of the Melbourne Planning Scheme.

The land identified in the document may be developed and used in accordance with the specific controls contained in the document. The specific controls may exclude other controls in the Scheme.

If there is any inconsistency between the specific controls and the general provision of the Scheme, the specific controls will prevail.

ADDRESS OF THE LAND:

46-74 Flinders Street, Melbourne

THIS DOCUMENT ALLOWS:

Demolition and development and use of the land for the purpose of, but not limited to, Office, Accommodation, Shop (excluding Adult sex bookshop), Food and drink premises, and ancillary Car park, generally in accordance with the plans prepared by Denton Corker Marshall Architects entitled "Herald and Weekly Time Development Revised Tower Scheme, 26 July 2002" and including:

<u>Drawing Title</u>	<u>Drawing No.</u>
Drawing Schedule	
Location Plan	A_A_PLS1_P/P2
Level 2 Plan	A_A_PL02_PC/P2
Level 7 Plan	A_A_PL07_PC/P5
Level 8 Plan – Typical Mid Rise	A_A_PL08_P/P3
Level 24 Plan – Typical High Rise	A_A_PL24_P/P3
Section A-A	A_A_SEAA_PC/P5
Section B-B	A_A_SEBB_P/P3
Elevation - North	A_A_ELNN_P/P3
Elevation - South	A_A_ELSS_P/P3
Elevation - West	A_A_ELWW_P/P3
Volumetric Studies	
View from Princess Bridge	
City View from Yarra River	

THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

1. The development and use must be carried out generally in accordance with the plans prepared by Denton Corker Marshall Architects and endorsed by the Minister for Planning, or such modified plans which may be substituted with the consent of the Responsible Authority.
2. Prior to the commencement of the development hereby permitted, excluding the demolition and bulk excavation works, amended plans to the satisfaction of the Responsible Authority must be submitted to and be to the satisfaction of the Responsible Authority. 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. The plans must be generally in accordance with the set of drawings prepared by architects Denton Corker Marshall dated 22 February 2002 and consistent with the endorsed plans but modified as necessary to show:
 - (a) Full set of detailed architectural plans, elevations and sections, indicating location, height, dimensions, design, use and floor area of all buildings and works including numbers of car spaces, all canopies, projections and architectural features.
 - (b) All modifications necessary to ensure that the plans are consistent with the conditions of the permit issued under the *Heritage Act* 1995 for this development.
 - (c) Screening treatment to be provided to the lower north elevation to limit views into adjoining habitable room windows.
 - (d) Retention of window sill heights of the existing building along Exhibition Street and Flinders Street.
 - (e) Vehicle access to the loading dock from Flinders Street be left turn only.
 - (f) Exhaust fan or air-conditioning units on the roof of the former Herald and Weekly Times building to be relocated if required, to the southern portion wherever possible of the site and out of sight from the Sargood House dwellings.
 - (g) Details of all plant, services structures and air conditioning condenser equipment proposed on the roof of the existing building and the new office tower including screening treatment.
3. The use and development as shown on the endorsed plans must not be altered or modified in any way without the prior written consent of the Responsible Authority.
4. Prior to the commencement of the development, excluding demolition and bulk excavation works, a schedule of all external materials and finishes must be submitted to and be to the satisfaction of the Responsible Authority. The schedule must show the materials, colours and finishes of all external walls, roof, fascias, reflector plate, window frames, glazing types, doors, and paving if applicable. All finishes and surfaces of all external buildings and works, including materials and colours, must be in conformity with the approved schedule to the satisfaction of the Responsible Authority.

5. Except with the consent of the Responsible Authority all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.
6.
 - (a) The demolition hereby permitted must not be commenced unless and until the Responsible Authority is satisfied that the owner(s) has made substantial progress towards obtaining the necessary building permits for the development of the land generally in accordance with the development of the land proposed under this incorporated document and the owner(s) has entered into a bona fide contract for the construction of the development.
 - (b) Written notice must be given to the Responsible Authority before demolition work is commenced.
7. Prior to the commencement of the development, excluding demolition and bulk excavation works, a comprehensive wind tunnel testing of the development must be undertaken by the owner(s) and a Wind Climate Assessment report provided to the satisfaction of the Responsible Authority. Any modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be submitted to and be approved by the Responsible Authority.
8. Prior to the commencement of development, excluding demolition and bulk excavation works, a plan showing details of the parking layout must be submitted to and be approved by the Responsible Authority. The plan shall include:
 - (a) Details of vehicle headroom clearance to the carpark levels, loading bay, vehicle ramps and car spaces and they be in accordance with Australian Standard 2890.1-1993.
 - (b) Bicycle parking provided and located to the satisfaction of the Responsible Authority.
 - (c) The positioning of any boom gates, car readers or other control equipment should be specified on the plans.
 - (d) The location of courier car parks in the loading dock in the basement.
9.
 - (a) The parking spaces as shown on the approved plans shall at all times be used in connection with the lawful uses carried out on the site, (including visitor parking) but shall not be operated as a commercial car park independent of the uses on the site.
 - (b) Car park/spaces hereby approved shall not be leased out on a permanent basis to persons not permitted to use the car park.
10. Prior to the commencement of the development, excluding demolition and bulk excavation works, an external lighting plan must be submitted and approved by the Responsible Authority. The plans must detail the use and application of the lighting to the buildings on the subject land.
11. All garbage and other waste material must be stored in an area set aside for such purpose to the satisfaction of the Responsible Authority.

12. No garbage bin or waste materials generated by the permitted use shall be deposited or stored outside the site.
13. Garbage disposal shall be to the satisfaction of the Melbourne City Council.
14. The owner(s) of the subject land shall construct all necessary vehicle crossings and demolish all unnecessary vehicle crossings adjacent to the property, at no cost to and in accordance with plans and specifications of the City of Melbourne, to the satisfaction of the Responsible Authority.
15. The developer must upgrade the adjacent public footpaths, in sawn bluestone paving and bluestone kerbing, to the satisfaction of the Responsible Authority and at no cost to the City of Melbourne or the Responsible Authority.
16. The owner of the subject land shall not be permitted to alter existing street levels in Flinders Street or Exhibition Streets for the purpose of constructing a new vehicle crossing or pedestrian entrances without first obtaining the written approval of the Responsible Authority, in consultation with the City of Melbourne.
17. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
18.
 - (a) Prior to the commencement of any works, including demolition, a detailed Construction Management Plan with the objective of minimising the impact of works associated with the development on neighbouring properties and activities conducted in the area generally and implementing the precautions to protect the stability of the registered place referred to in the report prepared under the relevant condition of the permit under the *Heritage Act* 1985, must be submitted to and approved by the Responsible Authority after consultation with the City of Melbourne.
 - (b) All development must be carried out in accordance with the Construction Management Plan.
19.
 - (a) Noise emanating from the mechanical plant and equipment associated with the development must not exceed the permissible noise levels determined in accordance with State Environment Protection Policy (Control of Noise from Commercial, Industrial or Trade Premises within the Melbourne Metropolitan Area) No. N-1.
 - (b) Any domestic air conditioning units must be acoustically treated to cause condenser noise to be inaudible within the Sargood House apartments, with windows open in accordance with the Environment Protection Authority requirements.
20. If the development authorised by this permit, or the construction operations associated with the development, cause unreasonable interference or disruption to television reception within Sargood House, the permit holder must without delay make appropriate arrangements either on the site or at an alternative location to provide television reception to Sargood House to the satisfaction of the Responsible Authority. Note: Prior to approving the details of any arrangements pursuant to this condition, the Responsible Authority may consult with and have regard to any submission made by the Sargood House Body Corporate.

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21. The development should achieve a Four Star Energy Rating under the Australian Building Greenhouse Rating Scheme to the satisfaction of the Responsible Authority.
22. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within three years of the date of gazettal of Amendment C69 to the Melbourne Planning Scheme.
 - (b) The development is not completed within three years of the date of commencement of works.

The Responsible Authority may extend the periods referred to if a request is made in writing before the incorporated document expires or within three months afterwards.

END OF DOCUMENT