

**MELBOURNE PLANNING SCHEME**

**INCORPORATED DOCUMENT**

**Myer Melbourne Bourke Street store redevelopment,  
Melbourne, October 2007**

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

## INTRODUCTION:

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

Pursuant to Clause 52.03 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 provisions of the Scheme, the specific controls will prevail.

## ADDRESS OF THE LAND:

314-336 Bourke Street, 297-309 Little Bourke Street and 315-321 Little Bourke Street, Melbourne.

## APPLICATION OF PLANNING SCHEME PROVISIONS

The following Clauses of the Melbourne Planning Scheme do not apply to the land identified in this Incorporated Document:

- Clause - 43.01 Heritage Overlay Schedule HO509
- Clause - 52.06 Car Parking
- Clause - 52.07 Loading and Unloading of Vehicles
- Clause - 52.34 Bicycle facilities
- Clause - 52.36 Integrated Public Transport

## THIS DOCUMENT ALLOWS:

Development of the land including:

- Demolition of 315-321 Little Bourke Street, known as the Telecom Building;
- Redevelopment of the Melbourne Myer Bourke Street store at 297-309 Little Bourke Street and 314-336 Bourke Street, incorporating development of land at 315-321 Little Bourke Street with associated business identification signage, for the purpose of but not limited to Retail premises, Place of assembly, Office and generally in accordance with the following 'Incorporated Plans' prepared by NH Architects Pty Ltd titled Myer Redevelopment and the conditions of this Incorporated Document:

### INCORPORATED PLANS: Myer Redevelopment, NH Architecture

Drawing Number	Drawing Title
SK-102 Issue 01	Existing Site Plan
SK-89 Issue 01	Street Elevations
SK-83 Issue 01	Scope of Demolition
SK-90 Issue 01	Lower Ground Floor
SK-91 Issue 01	Bourke Street Ground Floor
SK-92 Issue 01	Bourke Street Level 1 Plan
SK-93 Issue 01	Bourke Street Level 2 Plan
SK-94 Issue 01	Bourke Street Level 3 Plan
SK-95 Issue 01	Bourke Street Level 4 Plan

Drawing Number	Drawing Title
SK-96 Issue 01	Bourke Street Level 5 Plan

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SK-97 Issue 01	Bourke Street Level 6 Plan
SK-98 Issue 01	Bourke Street Elevation
SK-99 Issue 01	Telecom Building Existing Elevations
SK-100 Issue 01	Little Bourke Street Existing Elevation
SK-101 Issue 01	Little Bourke Street Proposed Elevation
SK-104 Issue 01	Massing Plan
SK-105 Issue 02	Little Bourke Street Massing Elevations
SK-01 Issue P-06	Bourke Street Ground Floor
SK-02 Issue P-06	Bourke Street Level 1
SK-03 Issue P-06	Bourke Street Level 2
SK-04 Issue P-07	Bourke Street Level 3
SK-05 Issue P-06	Bourke Street Level 4
SK-06 Issue P-04	Bourke Street Level 5
SK-07 Issue P-04	Bourke Street Level 6

### THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

#### Incorporated Plans and Amended Plans

1. Prior to the commencement of the development, (excluding demolition of the Telecom Building at 315-321 Little Bourke Street including temporary sheds or structures for construction purposes, bulk excavation and site preparation and retention works, piling, footings, ground beams and ground slabs), amended scale plans must be submitted to the satisfaction of the responsible authority in consultation with the City of Melbourne and be approved by the responsible authority. The plans must be drawn to scale with dimensions and four copies must be provided. The plans must be generally in accordance with the “Incorporated plans” prepared by NH Architects titled Myer Redevelopment but modified to show:
  - a) All modifications necessary to ensure that the plans are consistent with the conditions and plans of the permit(s) issued under the *Heritage Act 1995* for this development;
  - b) Detailed architectural plans, elevations and sections, indicating location, height, use and floor area of all buildings and works including all canopies, projections and architectural features, and the location of business identification signage (including dimensions and details of any illumination) at a scale of 1:200;
  - c) Detailed architectural elevations of all ground floor levels at a scale of 1:100 to ensure:
    - the provision, suitability and extent of activated street frontages, including the ground level façade to Postal Lane and pedestrian access;
    - the setback of the building at ground level, from Little Bourke Street, to maintain public access to the road known as ‘Angel Lane’;
  - d) A plan showing pedestrian linkages through the site to be maintained during construction and following completion of the development;

#### Development of the land

2. The development of any land or building or part thereof as shown on the endorsed plans must not be altered or modified in any way without the prior written consent of the responsible authority.
3. Once the development has started it must be continued and completed to the satisfaction of the responsible authority.

**Materials**

4. Prior to the commencement of development, excluding temporary sheds or structure for construction purposes, demolition, bulk excavation and site preparation and retention works, piling, footings, ground beams and ground slab, a sample board including a colour rendered and notated plan /elevation that illustrates the location and details of all external materials and finishes must be submitted to and be to the satisfaction of the responsible authority. 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 written consent of the responsible authority, the glazing material used on all external walls must be of a type that does not reflect an average of more than 20% of visible light when measured at an angle of incidence normal to the glass surface to the satisfaction of the responsible authority.

**Staging Plan**

6. A plan showing the staging of the development must be submitted to and approved by the responsible authority.

**Demolition Management**

7. Prior to the demolition of the Telecom Building, details of the management of the demolition must be submitted to and be approved by the responsible authority in consultation with the City of Melbourne. Details of the management of the demolition are required to minimise the impact of demolition works on neighbouring properties and activities conducted in the area generally and implementing the precautions to protect the stability of the registered place. Details of the management of the demolition must address demolition, bulk excavation and management of the construction sites and land disturbance, hours of operation, noise, dust, traffic management, soiling of roadways, discharge of polluted waters, improper disposal of waste contaminated soil/asbestos and pollution of ground water.

**Construction Management Plan**

8. Prior to the commencement of the development, (excluding demolition of the Telecom Building at 315-321 Little Bourke Street) a detailed Construction Management Plan (CMP) must be prepared to the satisfaction of the responsible authority in consultation with the City of Melbourne outlining how the owner will manage the environmental and construction issues associated with the development. The objective of the CMP is to minimise the impact of demolition and works 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(s) prepared under the relevant condition of the permit under the *Heritage Act 1985*. The CMP must address demolition, bulk excavation and management of the construction sites and land disturbance, hours of operation, noise, dust, traffic management, soiling of roadways, discharge of polluted waters, improper disposal of waste contaminated soil/asbestos and pollution of ground water.
9. All development must be carried out in accordance with the approved Construction Management Plan.
10. Details of the management of public access and linkages through the site during construction must be submitted to and be to the satisfaction of the responsible authority.

### **Environmentally Sustainable Design**

11. A Design Statement outlining the Environmentally Sustainable Design techniques integrated into the building must be submitted to and be to the satisfaction of the responsible authority.

### **Building Appurtenances etc**

12. All building plant and equipment on the roofs are to be concealed to the satisfaction of the responsible authority. The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, all exhausts including car parking and communications equipment shall be to the satisfaction of the responsible authority.
13. The minimum clearance to the underside of the proposed canopy projecting over Bourke Street from the existing footpaths should be 3.0 meters.

### **Street levels and Crossovers, Drainage**

14. All projections should be drained to legal points of discharge in accordance with plans and specifications first approved by the Group Manager Engineering Services, Melbourne City Council to the satisfaction of the responsible authority.
15. The owner of the subject site shall construct all necessary vehicle crossings and demolish all unnecessary vehicle crossings and reconstruct the footpaths adjacent to all boundaries of the site at no cost to the responsible authority or Council and in accordance with plans and specifications first approved by the Group Manager Engineering Services, Melbourne City Council to the satisfaction of the responsible authority.
16. The owner of the subject land shall not be permitted to alter existing footpath widths and street levels adjacent to the subject land for the purpose of constructing a new vehicle crossing or pedestrian entrances without first obtaining approval from the Group Manager Engineering Services, Melbourne City Council.

### **Waste Management**

17. All garbage and other waste material must be stored in an area within the land and set aside for such purpose to the satisfaction of the responsible authority.
18. No garbage bin or surplus materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection. Waste storage and collection arrangements must be to the satisfaction of the Melbourne City Council.

### **Advertising Signs**

19. No advertising signs shall be erected, painted or displayed without the written permission of the responsible authority unless in accordance with the plans hereby approved, or amendments to the satisfaction of the responsible authority.

### **Flood levels**

20. Floor levels of the existing Myer building must not be lowered.
21. All pedestrian entrances from Little Bourke Street must ramp up to a minimum level of RL 10.30 metres (m) to Australian Height Datum (AHD).
22. All entry points along GPO Lane and Little Bourke Street, including vents and windows but excluding the pedestrian entrances referenced above in condition 2, must be constructed to a minimum height of 300 mm above the applicable flood level.

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23. Upon the completion of works, a certified survey plan, showing finished floor, window sill and vent levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

#### **Minimise disruption to public transport routes**

24. The permit holder must take all reasonable steps to ensure that disruption to tram operation along Bourke Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction must be communicated to Yarra Trams (14) days prior.
25. The permit holder must ensure that all tram overhead and supporting infrastructure is not damaged or does not cause disruption to tram operations. Any damage to public transport infrastructure must be replaced at full cost to the permit holder.

#### **Agreement**

26. Prior to the commencement of the development, (excluding demolition of the Telecom Building at 315-321 Little Bourke Street) if required, the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act, 1987. The agreement must provide the following;
- a). liability and maintenance of those parts of the development projecting into airspace or sub-soil of land under the care and maintenance of Council and disclaiming any right or intention to make or cause to be made at any time any claim or application relating to adverse possession of the land;
  - b). liability and maintenance of those parts of the development projecting into the air-space or sub-soil of land under the care and management of the Council, including provision, of an indemnity and comprehensive insurance cover against damage and injury resulting from the erection and use of the projection to the satisfaction of the Responsible Authority;
  - c). providing for the payment to the Council of one lump sum licence fee of such amount as may be reasonably determined by a certified practising valuer appointed by the Council for that purpose.

The owner of the property to be developed must pay all of Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

#### **Time Limit**

27. Notwithstanding other provisions of these conditions, the development permitted by this Incorporated Document will expire if one of the following circumstances applies :
- i) The development is not started within two years of the date of the approval of the amendment.
  - ii) The development is not completed within five years of the date of the approval of the amendment

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

#### **End of Document**