

MELBOURNE PLANNING SCHEME

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Incorporated Document

Emporium Melbourne Development - July 2009.

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.

Pursuant to Clause 52.03 of the Melbourne Planning Scheme the land identified in this 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.

LAND DESCRIPTION:

This Incorporated Document applies to land shown on the incorporated plan titled: 'Emporium Melbourne Project Area Plan', which forms part of this Incorporated Document.

The address of the land is generally described as: 269, 271-73 & 275-321 Lonsdale Street, 266-78, 280-84, 286-88 & 290-316 Little Bourke Street (including Lynch Place), Melbourne and Arcade Alley, Melbourne (Corporation Lane 63) including the pedestrian walk ways over and tunnels under Little Bourke Street.

The land is generally bounded by Little Bourke Street to the south, Caledonian Lane to the east, Lonsdale Street to the north and the Strand Central Arcade at 323-345 Lonsdale Street and the Pacific International Apartments building at 318-320 Little Bourke Street to the west.

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
- Clause 43.02 Design and Development Overlay (Schedules 1, 2,3 & 4)
- Clause 44.05 Special Building Overlay
- Clause 52.05 Advertising Signs
- 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 buildings and use of the land, with associated business identification signage, for the purpose of, but not limited to, Retail premises, Office, Residential hotel and Child care centre, generally in accordance with the following 'Incorporated Plans' prepared by NH Architecture titled 'Emporium Melbourne' and the conditions of this Incorporated Document:

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Incorporated Plans List

Drawing Number		Drawing Title	Drawing Number	Drawing Title
Project Plan	Area	Emporium Melbourne Project Area Plan	Elevations	
TP-1-01 (04)		Site Locality Plan	TP-5-01 (08)	North Elevation - Lonsdale St
TP-1-02 (05)		Site Access Schedule	TP-5-02 (07)	East Elevation – Caledonian Ln
TP-1-03 (04)		Site Plan	TP-5-03 (07)	South Elevation – Lt Bourke St
Plans			TP-5-04 (08)	West Elevation
TP-2-01 (09)		Basement 2	Sections	
TP-2-02 (11)		Basement 1	TP-6-01 (08)	Section A
TP-2-03 (11)		Basement 1 Mezzanine	TP-6-02 (09)	Section J (Lynch Place)
TP-2-04 (11)		Ground	TP-6-03 (08)	Section B
TP-2-05 (11)		Level 1	TP-6-04 (07)	Section N (Arcade Alley)
TP-2-06 (11)		Level 2	TP-6-05 (09)	Section D
TP-2-07 (11)		Level 3	TP-6-06 (08)	Section P (Atrium)
TP-2-08 (11)		Level 4	Design elements	
TP-2-09 (09)		Level 5	TP-8-01 (04)	Little Bourke St Façade Type 1
TP-2-10 (09)		Level 6	TP-8-02 (04)	Little Bourke St Façade Type 2
TP-2-11 (09)		Level 7	TP-8-03 (04)	Little Bourke St Façade Type 3
TP-2-12 (09)		Level 8	TP-8-04 (06)	Caledonian Ln Façade Type 1
TP-2-13 (09)		Level 9	TP-8-05 (06)	Caledonian Ln Façade Type 2
TP-2-14 (09)		Level 10	TP-8-06 (05)	Caledonian Ln Louvres Type 4
TP-2-15 (05)		Level 11 Roof	TP-8-07 (06)	Feature Screen
Public Space			TP-8-08 (06)	West Façade Type 6
TP-3-01 (05)		Tunnels	TP-8-09 (05)	Little Bourke St Facade
TP-3-02 (05)		Bridge Links	TP-8-10 (06)	Lonsdale St Shopfronts
Demolition			TP-8-11 (07)	Lonsdale St Facade
TP-4-01 (04)		Basement 01	TP-8-12 (04)	Little Bourke St Canopy
TP-4-02 (04)		Ground	TP-8-13 (06)	Lonsdale St Canopy
TP-4-03 (04)		Level 01	TP-8-14 (05)	Roofing
TP-4-04 (04)		Level 02	TP-8-15 (06)	Signage
TP-4-05 (04)		Level 03	Staging	
TP-4-06 (04)		Level 04	TP-9-01 (03)	North elevation
TP-4-07 (04)		Level 05	TP-9-02 (02)	East elevation
TP-4-08 (04)		Level 06	TP-9-03 (02)	South elevation
TP-4-09 (04)		Level 07	TP-9-04 (03)	West elevation
TP-4-10 (04)		Level 08	TP-9-05 (03)	Level 05 plan
TP-4-11 (04)		Level 09	TP-9-06 (03)	Level 06 plan
TP-4-12 (04)		Roof	TP-9-07 (03)	Level 07 plan
TP-4-13 (04)		North Elevation	TP-9-08 (03)	Level 08 plan
TP-4-14 (04)		East Elevation	TP-9-09 (03)	Level 09 plan
TP-4-15 (04)		South Elevation	TP-9-10 (03)	Level 10 Roof plan
TP-4-16 (04)		West Elevation	TP-9-12 (03)	Section B
TP-4-17 (03)		Section 01	TP-9-13 (03)	Section N
TP-4-18 (03)		Section 02	TP-9-14 (03)	Section D

THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

Incorporated Plans and Amended Plans

1. Prior to the commencement of the development, excluding demolition, temporary sheds or structures for construction purposes, bulk excavation, site preparation and retention works, piling, footings, ground beams and ground slabs, amended plans must be submitted to the satisfaction of the responsible authority in consultation with Melbourne City Council 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 Architecture titled '*Emporium Melbourne*' 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 elevations of all ground and first floor levels at a scale of 1:100 demonstrating:
 - i) the provision, suitability and extent of activated street frontages, including the Caledonian Lane service and loading area;
 - ii) appropriate treatment of the Lonsdale Street and Little Bourke Street façades to include suitable weather protection measures;
 - iii) detail of internal facades of proposed arcades;
 - c) Further integration and recession of the proposed electronic major promotion sign on the corner of Lonsdale Street and Caledonian Lane with the architecture of the host building so as not to be the dominant element of the building. The sign must have a level of transparency and utilise high quality new technology;
 - d) A section through the electronic sign showing the sign's relationship with the building and its internal floor configuration;
 - e) A reduction in the size of the major promotion sign on the western façade to no more than two floor levels, and better integration with the building's façade treatments including fitting flush with the surrounding wall;
 - f) Detailed architectural elevations of the two pedestrian bridges across Little Bourke Street demonstrating design excellence and a high degree of transparency in relation to materials and finishes (noting that roof and floor construction affect transparency);
 - g) Transparent windows at the ground and upper levels of the heritage building facades;
 - h) Sections to demonstrate a suitable degree of pedestrian permeability through the internal lanes, particularly in relation to any gradient changes;
 - i) Design detail of the treatments along Caledonian Lane demonstrating high quality architectural finishes that enhance the pedestrian experience including windows and display cases as appropriate.
 - j) Details of rubbish bin storage areas for buildings on the east side of Caledonian Lane.
 - k) Details of the surface of Caledonian Lane, lighting and pedestrian connectivity.

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.

Staging Plan

4. The development of the land may be undertaken in stages. Prior to the commencement of development, excluding demolition, temporary sheds or structures for construction purposes, bulk excavation, site preparation and retention works, piling, footings, ground beams and ground slabs, a staging plan must be submitted to and be to the satisfaction of the responsible authority.

Demolition Management Plan

5. Prior to the commencement of demolition, a Demolition Management Plan (DMP) must be submitted to and be approved by the responsible authority in consultation with the City of Melbourne. The objective of the DMP is to minimize the impact of works associated with the demolition on neighbouring properties and activities conducted in the area generally and implementing the precautions to protect the stability of those portions of the buildings to be retained. The DMP must address demolition, bulk excavation, management of the construction sites and land disturbance, hours of operation, noise, dust, traffic management, soiling of roadways, discharge of polluted waters, disposal of waste material/contaminated soil/asbestos and pollution of ground water. If required, the DMP may be submitted and approved in stages.

Construction Management Plan

6. Prior to the commencement of the development (or any stages) hereby permitted, excluding demolition, a detailed Construction Management Plan (CMP) must be prepared to the satisfaction of the responsible authority in consultation with the City of Melbourne, and approved by the responsible authority. The CMP must describe how the occupier of the subject land will manage the environmental and amenity impacts associated with the construction of the development. The CMP must address the following:
 - (a) staging of construction;
 - (b) management of public access and linkages around the site during construction;
 - (c) site access and traffic management (including any disruptions to vehicular and pedestrian access along Little Bourke Street);
 - (d) any works within the Little Bourke Street road reserve;
 - (e) sediment control and site drainage;
 - (f) hours of construction;
 - (g) control of noise, dust and soiling of roadways;
 - (h) discharge of polluted waters;
 - (i) collection and disposal of building and construction waste.

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7. All development must be carried out in accordance with the approved Construction Management Plan to the satisfaction of the responsible authority.

Site reinstatement

8. If development has not commenced by 31 December 2010, the owner of the land must carry out site reinstatement works to provide for accessibility and the appropriate interim use of the land to the satisfaction of the responsible authority. Reinstatement works should include the following in accordance with plans prepared to the satisfaction of the responsible authority:
 - a) appropriate ground level building treatments to the perimeter of the site;
 - b) an activated north-south pedestrian link through the site at ground level, with appropriate hours of operation; and
 - c) landscaping as appropriate.

Materials and finishes

9. Prior to the commencement of development, excluding demolition, temporary sheds or structures for construction purposes, bulk excavation, site preparation and retention works, piling, footings, ground beams and ground slabs, a sample board including colour rendered and notated plans/ elevations that illustrate the location and details of all external materials and finishes must be submitted to and be to the satisfaction of the responsible authority. All external finishes and surfaces, including materials and colours, must be in conformity with the approved schedule to the satisfaction of the responsible authority. Details of the materials and finishes may be submitted and approved in stages having regard to project staging.
10. For the commercial component of the development between level 5 to level 9, the glazing material used on external walls, 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 to the satisfaction of the responsible authority.

Disability Audit

11. Prior to commencement of development, excluding site preparation works, demolition, piling, footings, ground beams and ground slabs, the applicant must commission a Disability Audit of the development and undertake any modifications to the development as required by the audit to the satisfaction of the responsible authority.

Environmentally sustainable design

12. A Design Statement outlining the Environmentally Sustainable Design techniques integrated into the buildings, including details of any Water Sensitive Urban Design, must be submitted to and be to the satisfaction of the responsible authority.

Wind assessment

13. Prior to the commencement of the commercial stage of the development, a wind effects statement must be submitted to the satisfaction of the responsible authority. Any recommendations to reduce adverse wind conditions that may arise in the assessment must be implemented and integrated into the development to the satisfaction of the responsible authority.

Public transport management

14. If works under this approval require the relocation of any bus stop in Lonsdale Street, the applicant shall at its cost relocate the bus stop at a time, in a location and to a standard of construction all to the satisfaction of the Director of Public Transport. If the relocated bus stop is required only temporarily, the applicant shall reconstruct the bus stop in its final location at a time, in a location and to a standard of construction all to the satisfaction of the Director of Public Transport. Any new bus stop must meet the requirements of the *Disability Discrimination Act 1992*.

Building appurtenances etc

15. 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.
16. The minimum clearance to the underside of the proposed bridges over Little Bourke Street should be 4.7metres above the road surface and 4.5metres above the footway surface unless otherwise agreed in writing with the responsible authority in consultation with Melbourne City Council.

Traffic management

17. Prior to the commencement of the development, excluding demolition, temporary sheds or structures for construction purposes, bulk excavation, site preparation and retention works, piling, footings, ground beams and ground slabs, a revised traffic functional layout plan prepared by a suitably qualified traffic engineer must be submitted to the satisfaction of the responsible authority in consultation with Council and VicRoads and approved by the responsible authority. The plan must provide the following:
- a) Details of the proposed signalization of Lonsdale Street to control entry and exit of vehicles from Caledonian Lane;
 - b) Detailed plans of the proposed widening of Caledonian Lane, the traffic signal operation, parking bans and the precise nature/extent of the proposed two-way flow;
 - c) Provision for storage of rubbish bins for properties on the east side of Caledonian Lane;
 - d) Details of how delivery vehicles will be managed to avoid any truck queuing in Caledonian Lane.

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18. Prior to the commencement of works, excluding demolition, temporary sheds or structures for construction purposes, bulk excavation, site preparation and retention works, piling, footings, ground beams and ground slabs, the applicant must submit traffic engineering plans and supporting information regarding signalisation and road layout at the intersection of Lonsdale Street and Caledonian Lane, demonstrating that delivery and other vehicles will not prejudice bus operations on in Lonsdale Street, prepared in consultation with the Department of Public Transport to the satisfaction of the responsible authority and the Director of Public Transport.
19. Vehicles exiting the subject site must leave in a forward direction. There is to be no reversing of vehicles from the site to the satisfaction of the responsible authority.
20. A warning device/sign must be installed at the car park entry and loading bay area alerting pedestrians when vehicles are exiting the building, to the satisfaction of the Responsible Authority.
21. The loading and unloading from vehicles of goods, plant and materials or other items delivered to or dispatched from the land must take place within the boundary of the land to the satisfaction of the responsible authority.

Bicycle facilities

22. Way-finding signage assisting access to the basement bicycle storage area must be provided to the satisfaction of the responsible authority.

Engineering requirements

23. All projections including pedestrian bridges shall be drained to legal points of discharge in accordance with plans and specifications first approved by Melbourne City Council.
24. The owner of the subject land shall construct a drainage system, incorporating water sensitive urban design, within the development and make provision to connect this system to Council's stormwater drainage system in accordance with plans and specifications first approved by Melbourne City Council.
25. 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 Melbourne City Council.
26. The owner of the subject land shall not be permitted to alter the existing footpath/road levels in Lonsdale Street, Caledonian Lane and Little Bourke Streets for the purpose of constructing new vehicle or pedestrian entrances without first obtaining written approval from Melbourne City Council.

Waste management

27. 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 Council. Sufficient garbage storage

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facilities should be provided within the property boundary. Garbage facilities shall be to the satisfaction of Melbourne City Council.

28. No garbage bin or surplus materials generated by the permitted uses 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 Melbourne City Council.

Flood levels

29. Along the Little Bourke Street site boundary, floor levels, pedestrian openings, vents and windows must be no lower than 10.2m RL to Australian Height Datum. To the west of the Lynch Arcade entry, floor levels and pedestrian openings may be constructed to a minimum level of 10.0m RL to Australian Height Datum where the floor level steps up to 10.25m RL within a depth of 3 metres from the shopfront to the satisfaction of the responsible authority.

Advertising signage

30. Before any signage is displayed on the site, other than signage erected during the construction phase in relation to the redevelopment of the site, an overall site signage strategy is to be submitted to and be to the satisfaction of the Responsible Authority in consultation with Melbourne City Council. The signage strategy should include the location and dimensions of proposed signs and structures, their definition category, type of illumination, colours and materials. The strategy must outline how community/municipal announcements will be incorporated into the overall content displayed by the electronic promotion sign on the corner of Lonsdale Street and Caledonian Lane. The signage strategy may be amended to the satisfaction of the Responsible Authority.
31. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose in relation to advertising signs hereby approved unless approved by the responsible authority.
32. The major promotion sign must not dazzle or distract drivers or be mistaken for a traffic signal (due to colouring, symbols etc) or an instruction to drivers to the satisfaction of the responsible authority.
33. All advertising signs hereby approved, including their structure and advertising material, shall be maintained in good order and condition to the satisfaction of the responsible authority.

General Amenity

34. The amenity of the area shall not be detrimentally affected by the use of development, through:
- (a) Transportation of materials, goods or commodities to or from the land.
 - (b) Appearance of any building, works or materials.
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, waste water or waste produces.
 - (d) Presence of vermin.

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(e) In any other way.

Agreement

35. Prior to the commencement of the development, excluding demolition, temporary sheds or structures for construction purposes, bulk excavation, site preparation and retention works, piling, footings, ground beams and ground slabs, the owner of the land must enter into an agreement with the responsible authority and Melbourne City Council 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 continuing 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;
- 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.
- d). details of the maintenance, management, use, and public access rights (including times accessible) for Arcade Alley, ensuring that extended opening hours are generally consistent with the adjacent Melbourne Central retail centre.

The owner of the land must pay all of the responsible authority's and Melbourne City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Expiry of Approval

36. Notwithstanding other provisions of these conditions, the development permitted by this incorporated document will expire if one of the following circumstances applies:

- The development, including demolition, is not commenced by 1 March 2010.
- The retail component of the development is not completed by 31 December 2012.
- The office component of the development is not completed within ten years 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.

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