

MELBOURNE PLANNING SCHEME

INCORPORATED DOCUMENT

**David Jones Melbourne City Store Redevelopment, May
2008**

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:

310 Bourke Street (also known as 294-312 Bourke Street and 283-295 Little Bourke Street) and 266 Little Bourke Street (also known as 11-15 Caledonian Lane), 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 37.04 Capital City Zone, Schedule 2 –Retail Core
- Clause 43.02 Design and Development Overlays DDO1; DD02; DDO3; and DDO4
- Clause - 43.01 Heritage Overlay Schedule HO509 and HO549
- 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:

- The demolition of the buildings at 281-295 Little Bourke Street (the rear of 310 Bourke Street) and the existing pedestrian bridge between 281 and 266 Little Bourke Street; and
- Buildings and works to construct an additional two levels (levels 4 -5) at 310 Bourke Street including development of a new building at 281-295 Little Bourke Street, a service tunnel under Little Bourke Street and a new three (3) level pedestrian sky bridge over Little Bourke Street, together with associated business identification signage for the purpose of but not limited to Retail premises and Office and generally in accordance with the ‘Incorporated Plans’ prepared by Parker Design Pty Ltd titled David Jones Redevelopment and conditions of this Incorporated Document:

INCORPORATED PLANS: DAVID JONES REDEVELOPMENT PREPARED BY PARKER DESIGN Pty Ltd	
Drawing Title	
310 Bourke Street, Proposed Floor Plan, Lower Ground Level	
310 Bourke Street, Proposed Floor Plan, Ground Level	
310 Bourke Street, Proposed Floor Plan, Level 1	
310 Bourke Street, Proposed Floor Plan, Level 2	
310 Bourke Street, Proposed Floor Plan, Level 3	
310 Bourke Street, Proposed Floor Plan, Level 4	
310 Bourke Street, Proposed Floor Plan, Level 5	
310 Bourke Street, Proposed Roof Plan	
310 Bourke Street, Typical Floor Aisle Configuration, Level 5	
Little Bourke Street, Proposed Streetscape Elevation > rev A – 22 April 2008	
Bourke Street, Proposed Streetscape Elevation with Materials > rev A -22 April 2008	
Little Bourke Street, Proposed External Façade	
Bourke Street, Proposed External Façade > rev A -22 April 2008	
Bourke Street, Proposed North/South Part Section	
Bourke Street, Proposed North/South Section	
Little Bourke Street, Proposed Bridge Section > rev A -22 April 2008	
Existing and Proposed Bourke Street Streetscape > rev A -22 April 2008	
Existing and Proposed Little Bourke Street streetscape	
266 Little Bourke Street, Streetscape Elevation	

THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

Incorporated Plans and Amended Plans

1. Prior to the commencement of the development, or stages thereof, excluding demolition of 281-295 Little Bourke Street and the existing pedestrian bridge between 281 and 266 Little Bourke Street, development permitted under Heritage Victoria's early works consent, 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 Parker Design Pty Ltd but modified to show:
 - a) Stage 1 - All buildings and works excluding the pedestrian bridge link over Little Bourke Street and the tunnel under Little Bourke Street:
 - i. 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;
 - ii. Detailed architectural plans, elevations and sections, indicating location, height, use and floor area of all buildings and works including all canopies and projections and the location of business identification signage at a scale of 1:200 with detailed façade segments at 1:50 scale or greater, including design detail of the elevation treatment of the two additional levels at 310 Bourke Street to achieve the following design principles:
 - The extension shall be of a high quality architectural design and detailing and use high quality materials;

- The extension shall be a visually recessive element that will have minimal impact on the visual appreciation of the historically significant Bourke Street facades.
 - iii. Details of the Little Bourke Street elevation showing the architectural treatment of the temporary façade at the location of the proposed Stage 2 sky bridge.
 - iv. Details of the illumination strategies for the Little Bourke and Bourke Street facades.
 - v. 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 and pedestrian access;
 - vi. A plan showing pedestrian linkages through the site to be maintained during construction.
- b) Stage 2 – Three (3) level pedestrian bridge link over Little Bourke Street and service tunnel under Little Bourke Street:
- i. Design detail including plans, elevations, sightline diagrams and sections at a scale of 1:100, with detailed façade segments at 1:50 scale or greater of the pedestrian bridge to provide maximum transparency and include details of road clearances, interfaces with adjoining buildings and proposed quality of finishes and materials;
 - ii. Documentation to confirm that the pedestrian bridge and tunnel have been designed and certified by a suitably qualified engineer and that the design of the tunnel has had regard to existing services and the provisions of Clause 52.07 of the Melbourne Planning Scheme.
 - iii. A plan showing pedestrian linkages through the site 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, or stages thereof, excluding temporary sheds or structures 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.

Demolition Management

6. Prior to the demolition of the buildings at 281-295 Little Bourke Street and the existing pedestrian bridge between 281 and 266 Little Bourke Street, 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. A demolition management plan is required to minimise the impact of demolition works on neighbouring properties and activities conducted in the area generally and to implement the precautions necessary to protect the stability of the existing buildings to be retained that are nominated for inclusion on the Victorian Heritage Register. The demolition management plan must address demolition and removal of buildings and works and management of the construction sites, 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

7. Prior to the commencement of the development, excluding demolition of the buildings at 281-295 Little Bourke Street and the existing pedestrian bridge between 281 and 266 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 CMP must detail management of safe public access and linkages through the site during construction, bulk excavation and management of all buildings and works, 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.
8. All development must be carried out in accordance with the approved Construction Management Plan.

Environmentally Sustainable Design

9. 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

10. 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.
11. The minimum clearance to the underside of the proposed canopy projecting over Bourke Street from the existing footpath should be 3.0 metres and the maximum allowable projection beyond the street alignment should be one tenth of the road width, unless otherwise agreed in writing with the responsible authority in consultation with Heritage Victoria and Melbourne City Council's - Manager Engineering Services.
12. The minimum clearance to the underside of the proposed bridge projecting over Little Bourke Street from the existing footpath surface should be 5.0 metres, unless otherwise agreed in writing with the responsible authority in consultation with Melbourne City Council's - Manager Engineering Services.

13. The bridge should be drained to a legal point of discharge in accordance with plans and specifications first approved by the Melbourne City Council – Manager Engineering Services to the satisfaction of the responsible authority.

Street Levels and Crossovers, Drainage

14. All projections must 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 the development or pedestrian entrances to it without first obtaining approval from the Group Manager Engineering Services, Melbourne City Council.

Loading Arrangements

17. Prior to the demolition of the existing sky bridge over Little Bourke Street, a statement addressing the proposed temporary loading/servicing arrangements during the construction period shall be submitted for approval by the responsible authority in consultation with the City of Melbourne.
18. Satisfactory ingress and egress shall be provided to the proposed loading/unloading dock and the loading/unloading arrangements proposed shall ensure that bin storage at ground level in Caledonian Lane is not compromised, to the satisfaction of the responsible authority in consultation with the City of Melbourne.

Waste Management

19. 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.
20. No garbage bin or surplus materials generated 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

21. No advertising signs shall be erected, painted or displayed without the written permission of the responsible authority unless in accordance with the Melbourne Planning Scheme or the Incorporated Plans.

Minimise disruption to public transport routes

22. All reasonable steps must be taken to ensure that disruption to tram operations 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.
23. The developer of the subject land 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 developer of the subject land.

Agreements

24. Prior to the commencement of Stage 1, (excluding demolition of the buildings at 281-295 Little Bourke Street and the existing pedestrian bridge between 281 and 266 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 practicing 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.

25. Prior to the commencement of Stage 2, 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* regarding the proposed tunnel and three level pedestrian bridge across Little Bourke Street including the portion of the Government Road. The Agreement is to indemnify Melbourne City Council against any claims arising from the existence of the tunnel and bridge. The Agreement should require the Owner to maintain and keep in good repair the tunnel and bridge at its cost and to the satisfaction of Melbourne City Council whether or not the need for maintenance or repair of the structures arose from the act, neglect or default of the Owner. The Agreement should refute any future adverse possession claims over the space occupied by the projection. The Agreement should be to the satisfaction of Melbourne City Council's Manager – Engineering Services; Manager – Sustainable Regulatory Services; and Manager – Governance Services. The Owner must pay all of the responsible authority's reasonable legal costs and expenses of this Agreement, including Land Titles Registration fees.

26. The owner of the land must obtain all necessary approvals/tenures from the Department of Sustainability and Environment for all enclosed floor space for the proposed tunnel and the three level pedestrian bridge over the portion of Government Road along Little Bourke Street, to the satisfaction of the responsible authority. The Department of Sustainability and Environment and Melbourne City Council is to be fully indemnified against associated claims within any approval/tenure issued by the Department of Sustainability of Environment.

27. The space occupied by the tunnel and bridge over the Melbourne City Council owned part of Little Bourke Street as depicted in titles V 8333/069 and 8347/972 should be subject to a lump sum licence premium payable to Melbourne City Council prior to commencement of

works on the proposed tunnel and bridge. The amount of the premium should be determined by Council's Manager – Rates and Valuations.

Time Limit

28. 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 one year of the date of the approval of the amendment.
- ii) The development is not completed within ten 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.

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