

MELBOURNE PLANNING SCHEME

Incorporated Document

‘Former Southern Cross Hotel Site, March 2002’

**95-129 Bourke Street, 113-149 Exhibition Street and
78-120 Little Collins Street, Melbourne**

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

**Melbourne Planning Scheme
Incorporated Document
March 2002**

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 provisions of the Scheme, the specific controls will prevail.

ADDRESS OF THE LAND:

95-129 Bourke Street, 113-149 Exhibition Street and 78-120 Little Collins Street, Melbourne.

THIS DOCUMENT ALLOWS:

Demolition of existing buildings and development and use of the land for the purposes of, but not limited to, Office, Shop (excluding Adult sex bookshop), Food and drink premises, and Car park, generally in accordance with the plans prepared by Woods Bagot Pty Ltd, and titled "Southern Cross, Date: 08-03-2002, Project: 3-30-0746" and including:

<u>Drawing No.</u>	<u>Drawing Title</u>
Plans	
SK 1000/A	Site Plan - Proposed
SK 1002/B	Site Plan - Ground Level Proposed
SK 1970/C	Floor Plan - Basement 10 & 11
SK 1980/D	Floor Plan - Basement 08 & 09
SK 1990/G	Floor Plan - Basement 06 & 07
SK 2000/K	Floor Plan - Basement 04 & 05
SK 2010/O	Floor Plan - Basement 02 & 03
SK 2020/K	Floor Plan - Basement 01
SK 2030/F	Floor Plan - Level 00
SK 2040/F	Floor Plan - Level 01
SK 2050/K	Floor Plan - Level 02
SK 2060/G	Floor Plan - Level 03
SK 2070/F	Floor Plan - Level 04
SK 2090/K	Floor Plan - Level 06
SK 2120/B	Floor Plan - Level 09
SK 2130/E	Floor Plan - Level 10

Drawing No.**Drawing Title****Plans**

SK 2160/C	Floor Plan - Level 13
SK 2170/C	Floor Plan - Level 14
SK 2200/G	Floor Plan - Level 17
SK 2230/G	Floor Plan - Level 20
SK 2250/A	Floor Plan - Level 22
SK 2280/C	Floor Plan - Level 25
SK 2290/C	Floor Plan - Level 26
SK 2310/F	Floor Plan - Level 28
SK 2350/D	Floor Plan - Level 32
SK 2400/C	Floor Plan - Level 37
SK 2420/E	Floor Plan - Level 39

Elevations

SK 3000/H	North Elevation - Bourke Street
SK 3010/F	East Elevation - Exhibition Street
SK 3020/F	South Elevation - Lt.Collins Street
SK 3030/E	West Elevation
SK 3040/E	West Section Elevation
SK 3050/E	East Section Elevation
SK 3070/B	East Elevation Streetscape - Exhibition Street
SK 3080/B	North Elevation Streetscape - Bourke Street
SK 3090/B	South Elevation Streetscape - Little Collins Street

Section

SK 3100/K	Section A-A
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Building Envelope

SK 3091/A	Building Envelope - West Sectional
SK 3092/A	Building Envelope - East Sectional
SK 3093/A	Building Envelope - Section A-A

THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

1. The development and use must be carried out generally in accordance with the plans prepared by Woods Bagot Pty Ltd and endorsed by the Minister for Planning, or such modified plans which may be substituted with the consent of the responsible authority.
2. Following demolition works but prior to the commencement of the new buildings and works, modified plans must be submitted to and be to satisfaction of the responsible authority. Such plans must be generally in accordance with the endorsed plans but modified to show:
 - a) The design detail of each typical floor level;

- b) The design details of each street frontage elevation;
- c) The schematic design and location of external advertising signs;
- d) A modified design solution for the car park exhaust to avoid any impact at street level;
- e) A modified design solution to the western half of the Bourke Street frontage to provide an increase in the extent of occupied space, activity and interest at street level;
- f) The deletion of or alternatively further detailed designs to justify the retention of the architectural element /blade protruding beyond the property boundaries in the north-east corner of the site;
- g) The recessed door adjacent to the entry doors in the south east corner of the ground floor lobby relocated to align with the glazed frontage;
- h) The deletion of the paving treatment extending out of the central pedestrian link/ publicly accessible open space area into the adjacent public footpath;
- i) The design detail of the north-south pedestrian link/publicly accessible open space area including landscaping, public seating, other street furniture, paving, vegetation, lighting, public art, and including the design resolution of the stair access/egress from the basement car park ensuring its integration with the open space area and addressing issues of public safety;
- j) The design detail of continuous weather protection canopies projecting over the length of each of the Little Collins Street, Exhibition Street and Bourke Street footpaths at an effective height and width;
- k) The number of car parking spaces not to exceed a maximum of 1000 spaces;
- l) The provision of bicycle and motor cycle parking;
- m) All building projections beyond the property boundaries, clearly dimensioned;
- n) The design detail and location of the car park entry doors;
- o) The design detail of crossovers to the car park entry/exit points to minimise the impact upon the pedestrian environment;
- p) The positioning of any boom gates, card readers or other vehicle control equipment for the car parking areas;
- q) Dimensioned plans showing the internal design of the basement levels used for car parking and the loading and unloading areas with details of vehicle headroom clearance to the car park levels, loading bay, vehicle ramps, and car spaces designed in accordance with Australian Standard 2890.1-1993 in consultation with the Melbourne City Council.

When approved the plans shall form part of the endorsed plans.

- 3. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified in any way unless it is to the satisfaction of the responsible authority.
- 4. Following demolition works but prior to the commencement of the new buildings and works a report from a suitably qualified environmental engineer must be submitted to and approved by the responsible authority. The report shall detail the environmentally sustainable design measures

incorporated into the designs of the buildings and the overall energy performance of the development, to the satisfaction of the responsible authority.

5. The energy rating of the building should achieve a four (4) star or greater rating based on the Building Greenhouse Rating Scheme (BGRS) or equivalent from the Sustainable Energy Authority Victoria.
6. The demolition and development of the site must be undertaken in accordance with a Construction Management Plan, including Traffic Management Plan, (being the same as the Construction Management Plan referred to in the agreed Deed of Settlement and Release) to the satisfaction of the Melbourne City Council. The Construction Management Plan must detail that the primary access to the site for demolition and construction purposes is to be from Bourke and Exhibition Streets and that the use of Little Collins Street is to be minimised.
7. A waste management plan for disposal of demolition waste must be developed to the satisfaction of the Melbourne City Council.
8. Prior to the commencement of demolition of the existing hotel building the owner must ensure that the building is photographed and recorded to the satisfaction of the responsible authority. A report on the history and architecture of the site prepared by a suitably qualified conservation architect must be prepared to the satisfaction of the responsible authority and lodged with the State Library prior to completion of the development.
9. Following demolition works but prior to the commencement of the new building works, a final Traffic Engineering Assessment of the development shall be submitted to and approved by the responsible authority in consultation with the Melbourne City Council. The Report shall reassess the impact of traffic associated with the development upon the operation of the surrounding intersections and upon the operations of the Bourke Street tram services. Any required modifications to the development recommended by the Report must be to the satisfaction of the responsible authority and any necessary public works must be undertaken at the cost of the owner/developer to the satisfaction of the responsible authority in consultation with the Melbourne City Council.
10. Temporary works must be constructed on the vacant site should it remain vacant for 12 months after completion of the demolition. The temporary works shall be constructed to the satisfaction of the responsible authority and may include:
 - a) The construction of temporary buildings for short-term retail and/or commercial use. Such structures shall include the provision of an active street frontage, and/or,
 - b) Landscaping of the site for the purpose of public recreation and open space and appropriate fencing and screening.
11. During the construction phase of the development the existing street trees in Bourke Street and Exhibition Street must be protected to the satisfaction of the responsible authority. The existing street trees must not be lopped, destroyed or removed as a result of the development without prior consent from the Melbourne City Council.
12. Following demolition but prior to the commencement of the new building works, a comprehensive wind tunnel testing of the development must be undertaken by the owner/developer and a Wind

Climate Assessment report provided for the written approval 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 approved by the responsible authority, in consultation with the Melbourne City Council.

13. In the event of a staged development, plans showing the design detail of the landscaping and capping to Stage 1 must be submitted to and be to the satisfaction of the responsible authority.
14. Details of the management of the centrally located pedestrian link and open space area to ensure the availability of public access must be submitted to and be to the satisfaction of the responsible authority.
15. Following demolition but prior to commencement of the new building works a schedule of all external materials and finishes including but not limited to the colour, type of materials, construction and appearance together with details of all external features, must be submitted to and be to the satisfaction of the responsible authority and when approved will form part of the endorsed plans.
16. The glazing material used on all external walls, with the exception of the ground floor, 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 unless the responsible authority is satisfied otherwise.
17. The areas for the parking of vehicles must be clearly indicated on the floor and the boundaries of all car parking spaces and access lanes and the direction in which vehicles should proceed along the access lanes must be in conformity with the endorsed plans. The car parking spaces must not be used for any other purpose and all access aisles must be kept clear.
18. The number of car parking spaces on the land must not exceed 1000 spaces. At least 25% of the spaces provided on the site must be set aside and operated as short stay parking in accordance with the following requirements:
 - a) The car parking spaces must be designated and used only for short stay parking between the hours of 9.30 am to 5.00 pm on any weekday (Monday to Friday) not being a public holiday.
 - b) The short stay places must be located within the upper basement levels convenient to the car part entry/exits and must be clearly sign posted and delineated as being available for short stay parking only.
 - c) The short stay spaces must be unavailable for use between 5.30 am and 9.30 am on any weekday (Monday to Friday) not being a public holiday.
19. Bicycle and motorcycle parking must be provided and located to the satisfaction of the responsible authority.
20. No vehicles shall be permitted to reverse into or out of the site at any time.
21. The loading or unloading of vehicles of goods, plant and materials or other items delivered to or despatched from the land (except as provided for in the approved Construction Management Plan) must take place within the boundary of the land.

22. No advertising signs shall be erected, painted or displayed without the permission of the Responsible Authority unless in accordance with the plans prepared by Woods Bagot Architects, and endorsed by the Minister for Planning, or the provisions of the Melbourne Planning Scheme.
23. The service vehicle entry/egress point to Little Collins Street is to be screened when not in use to the satisfaction of the responsible authority.
24. All garbage and other waste material must be stored in an area set aside for such purpose to the satisfaction of the responsible authority.
25. 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 area as soon as practicable after garbage collection. Garbage storage and collection must occur entirely off-street. Waste storage and collection arrangements must be to the satisfaction of the Melbourne City Council.
26. The footpaths to the frontages of Bourke, Exhibition and Little Collins Streets must be upgraded and reconstructed in sawn bluestone to the Melbourne City Council's specifications together with associated works including the renewal or relocation of kerbs and/or services as necessary at the cost of the owner/developer to the satisfaction of the responsible authority.
27. Any external lighting must be provided with baffles to the satisfaction of the responsible authority so that no direct light shall be emitted outside the site.
28. Suitable design measures must be undertaken to address any environmental impacts on the property adjoining to the west arising from the emission of noise or exhaust fumes from the car park.
29. Prior to the issue of a Building Permit the report and consent of the Melbourne City Council must be obtained for any building projections and encroachments, temporary and permanent proposed over, on or under the road except for those expressly permitted by the Building Regulations 1994.
30. Any proposed architectural features and canopies projecting beyond the street alignment must:
 - a) Be drained to legal points of discharge;
 - b) Have a minimum clearance to the underside of 3m above any footpath;
 - c) Have a minimum clearance of 5m above any road surface and a minimum clearance to the underside of 5m to a distance of 750mm behind the face of an adjacent kerb.
31. The owner/developer of the property if required, must enter into a legal agreement with the Department of Natural Resources and Environment (DNRE) and or the Council under Section 173 of the *Planning and Environment Act 1987* prior to commencement of development concerning liability and maintenance of those parts of the development projecting into airspace or sub-soil of land under the care and maintenance of DNRE and or the Council. The owner/developer of the property to be developed must pay all of DNRE's and or Council's reasonable legal costs and expenses of this agreement, including preparation, execution and

registration on title. To the extent that the Section 173 Agreement applies to any temporary works, upon completion of the development the Agreement shall lapse and shall be removed from the title.

32. The owner/developer must not alter the existing street levels adjacent to the site for the purpose of constructing a new vehicle crossing or pedestrian entrances without the prior written approval of the Melbourne City Council.
33. The owner/developer must construct all necessary vehicle crossings and remove all unnecessary vehicle crossings adjacent to the subject land in accordance with plans and specifications first approved by the Melbourne City Council.
34. The owner/developer must construct a storm water drainage system for the development and make provision to connect this system to the Melbourne City Council's underground drainage system.
35. This approval will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the approval date.
 - b) The development is not completed within five years of the date of commencement of construction.

The responsible authority may extend the periods referred to if a request is made in writing before the approval expires or within three months afterwards.

36. The development must, after it is commenced, be continued to the satisfaction of the responsible authority.

Notes:

1. The care and maintenance of the centrally located pedestrian link/publicly accessible open space area shall at all times remain the responsibility of the property owner(s).
2. A tenure/authorisation is required from the Department of Natural Resources and Environment for building projections over Crown Land.

END OF DOCUMENT