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MELBOURNE PLANNING SCHEME

INCORPORATED DOCUMENT

‘Melbourne Recital Hall and MTC Theatre project, August 2005’

Land at 134-144 Southbank Boulevard, 21-43 Sturt Street, & part of Southbank Boulevard adjacent to the northern boundary of the site, Southbank.

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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Melbourne Recital Hall and MTC Theatre project, August 2005**

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 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:

This land is described as 134-144 Southbank Boulevard, 21-43 Sturt Street, & part of Southbank Boulevard, adjacent to the northern boundary of the site, Southbank.

THIS DOCUMENT ALLOWS:

The demolition and removal of existing buildings and works including bulk excavation, and use and development of the land for the purposes of but not limited to 'Place of Assembly' - theatre and recital hall, Office, Retail premises, display of 'arts' related signage promoting events to be held at the facilities, a multi storey public Car park, and road works generally in accordance with the following 'Incorporated Plans':

In this document 'Incorporated Plans' means the following plans prepared by Ashton Raggatt McDougall Architects titled "Melbourne Recital Centre and MTC Theatre Project":

- Staging and Site plan – C-TP9000 dated 13 July 2005.
- Melbourne Recital Centre, Drawing Nos: R-TP1001 13; R-TP1003 10; R-TP1002 14; R-TP1004 13; R-TP1005 9; R-TP1006 9; R-TP1400 10; R-TP3001 9; R0TP2001 8; R-TP2004 8 (dated May 2005).
- MTC Theatre, Drawing Nos: M-TP1000 09; M-TP1001 10; M-TP1002 09; M-TP1003 09; M-TP1004 11; M-TP1005 09; M-TP1400 06; M-TP3001 06; M-TP2011 04; M-TP2012 04 (dated May 2005).
- Car Park, Drawings Nos: C-TP9001; C-TP9002; C-TP9003; C-TP9005; C-TP9006 (dated 14 July 2005), Image: "Car park façade with embossed brush stroke pattern".

The following provisions of the Melbourne Planning Scheme do not apply to this Incorporated Document:

Clause 37.04 Capital City Zone –Schedule 1.

Clause 43.01 Heritage Overlay

Clause 43.02 Schedule 27 to the Design and Development Overlay.

Clause 43.02 Schedule 42 to the Design and Development Overlay.

Clause 52.05 Advertising Signs.

Clause 52.06 Car Parking.

Clause 52.07 Loading and unloading of vehicles.

Clause 52.34 Bicycle Facilities.

THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

Incorporated Plans

1. The use and development must be carried out generally in accordance with the Incorporated Plans, or such modified plans which may be substituted with the consent of the responsible authority.
2. The development must be undertaken in the order of stages as shown on the endorsed site plan, unless otherwise agreed in writing by the responsible authority. For the purposes of this development, Stage 1 comprises the Melbourne Recital Hall and MTC theatre and Stage 2 comprises the car park building.

Development Plans

3. Prior to the commencement of the development or any stages thereof, excluding demolition, bulk excavation works, and site preparation/retention works, amended scaled plans, to the satisfaction of the responsible authority must be submitted and be approved by 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 'Incorporated Plans' prepared by Ashton Raggatt McDougall Architects titled "Melbourne Recital Centre and MTC Theatre Project" dated May 2005 but modified as necessary to show:
 - a) Stage 1 – Melbourne Recital Centre and MTC Theatre buildings
 - (i) Detailed architectural elevations indicating materials and finishes, including but not limited to the colour, type of materials, construction and appearance together with details of all external fixtures.
 - (ii) Removal of the outward opening door (west of grid line mK) projecting onto Southbank Boulevard. The door must be redesigned so that it does not project into the road when open, when closed or when partly open.
 - (iii) Modifications to the design of the proposed laneway connecting Sturt Street and Dodds Street as recommended on page 32, Section 7.1 of the 'Traffic and Parking Report' prepared by GTA Traffic and Transport Consultants dated 16 May 2005.
 - (iv) Modifications to the design of the wedge shaped balcony wall projecting over Sturt Street to maintain the visual dominance of the key vista to the Arts Centre Spire from south along Sturt Street.
 - b) Stage 2 – Car Park
 - (i) Detailed architectural elevations of the car park building indicating materials and

finishes, including but not limited to the colour, type of materials, construction and appearance together with details of all external fixtures.

(ii) Design detail and revisions of the southern façade to ensure the façade is visually integrated with the overall car park development;

(iii) Modifications to the design for the external lighting of the car park façade to ensure that lighting fixtures are discreetly located and to prevent any adverse light spill on adjoining land.

(iv) Design detail and revisions of the Sturt Street ground floor façade, illustrating treatments of active frontage and car park entry/exit to ensure:

- The ground floor frontage of the car park is activated to an appropriate width and height;
- The car park entry is visually integrated with the overall car park development;
- The entry/exit driveways are easily identifiable through architectural treatment.

Traffic Management, Car and Bicycle Parking, Loading etc.

4. Modified functional layout plans for the intersection of Sturt Street and Southbank Boulevard shall be submitted to and approved by VicRoads prior to any works on site.
5. A functional layout plan for the proposed car park access shall be submitted to and approved by VicRoads prior to any works on site.
6. The applicant shall provide a written agreement from Yarra Trams to the proposed car park access arrangements.
7. All mitigating works are to be completed at no cost to VicRoads and to the satisfaction of the responsible authority.
8. Construction and traffic management plans are required to be submitted to and be approved by VicRoads prior to any works on site.
9. Work site traffic management practices must be in accordance with the Australian Standards AS 1742.3-2002 “Manual for uniform traffic control devices- Part 3: Traffic control devices for works on roads”.
10. The loading and unloading of vehicles of goods, plant and materials or other items delivered to or dispatched from the land, shall only take place within the boundary of the site, unless otherwise approved in writing by the responsible authority.
11. Prior to the commencement of the use of Stage 1, details of measures to control access to the rear laneway shall be submitted to the satisfaction of the responsible authority and be approved in writing by the responsible authority. The loading and unloading areas shall be kept available for that use at all times and the access-ways shall not be obstructed or otherwise rendered accessible to the satisfaction of the responsible authority.
12. The internal design of the car park including the arrangements for ingress and egress, loading and unloading areas, and details of ramp gradients, headroom clearances, access aisles and car space dimensions, must be generally in accordance with the Australian

Standard NZS 2890.1-2004 or Melbourne Planning Scheme to the satisfaction of the responsible authority in consultation with the City of Melbourne.

13. 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.
14. Secure bicycle parking must be provided within the ground floor of the car park building at no cost to the user and be appropriately sign posted to the satisfaction of the responsible authority.

Street Levels, Crossovers, Drainage etc.

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 and in accordance with plans and specifications first approved by the Group Manager Engineering Services, Melbourne City Council.
16. The owner of the subject land shall construct a stormwater drainage system for the development at no cost to the Council and make provision to connect this system to Council's underground stormwater drainage system and where necessary, upgrade the system to accept the discharge from the site in accordance with plans and specifications first approved by Council's Group Manager - Engineering Services.
17. All projections shall be drained to legal points of discharge in accordance with plans and specifications first approved by the Group Manager Engineering Services, Melbourne City Council.

Waste Management

18. 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.
19. 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 Council.

Advertising Signs

20. 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.

Building Appurtenances etc

21. Before the use of the development starts, the owner of the property must seek a tenure/authorisation under the Land Act from the Department of Sustainability and Environment for building projections over Crown Land. That tenure authorisation must indemnify the Department of Sustainability and Environment and Melbourne City Council against any claims regarding the projections. Should the owner of the property seek to commence works prior to the issue of this tenure/authorisation, the owner must enter into a legal agreement under Section 173 of the *Planning and Environment Act, 1987*, concerning liability of those parts of the development projecting into airspace or subsoil of land under the care and management of the Department of Sustainability and Environment and Melbourne City Council. The owner of the property to be developed must pay all the Department of Sustainability and Environment's and Melbourne City Council's reasonable legal expenses of this agreement, including preparation, execution and registration on title.
22. The minimum clearance to the underside of the proposed architectural features projecting over footpaths from the finished footpath surface shall be 2.7 metres.
23. The minimum clearance to the underside of the proposed canopies projecting over footpaths from the finished footpath surface shall be 3.0 metres. The minimum setback from the adjacent faces of kerb shall be 750mm and 2.5 metres where the canopy is adjacent a street tree.
24. Any projection proposed to project beyond 750mm (2.5 metres where adjacent to a street tree) behind the face of kerb shall have a minimum clearance to the underside of 6.3 metres above the road surface.
25. 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.
26. Glazing materials used on all external walls must be of a type that does not reflect more than 20% of the visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the responsible authority.

Public Realm Works

27. All public lighting should conform to AS1158, AS3771 and The Public Lighting Code September 2001. All light poles and fittings should be City of Melbourne Standard Poles and Luminaires.
28. Any trees in the adjoining streets which are required to be removed to enable the development to take place in accordance with the endorsed plans shall be replaced at the expense of the developer/owner of the site to the satisfaction of the Council's Group Manager, Parks and Recreation prior to the completion of the development. Any costs in connection with the removal of the trees must be borne by the developer/owner.
29. All tree planting and irrigation systems shall be to the satisfaction of the Parks and Recreation Group- Melbourne City Council.

Time Limit

30. Notwithstanding other provisions of these conditions, the use and 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 ten years of the date of the approval of the amendment
31. 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.
32. The development must, after it is commenced, be continued and completed to the satisfaction of the responsible authority.

END OF DOCUMENT