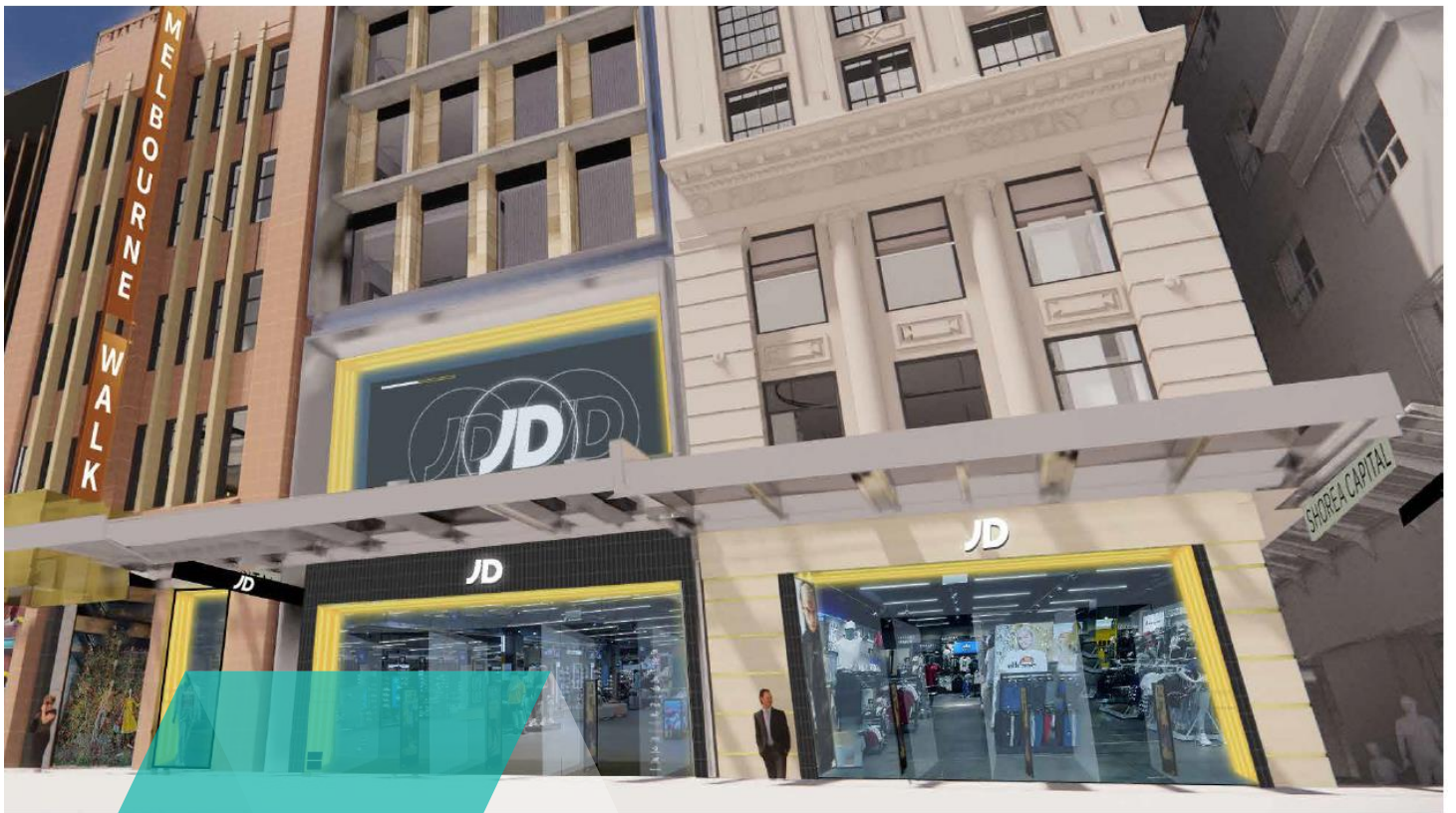


s72 Amendment Officer Report

309 - 325 Bourke Street,
Melbourne



Section 72 Amendment Officer Assessment Report
Development Approvals & Design



Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key Information	Details	
Permit No:	PA1800336-2	
Permit Allows:	<p><i>Development of the land for buildings and works comprising retail and hotel uses, including partial demolition, and a reduction of bicycle parking requirements.</i></p> <p>Construction of a 10-storey mixed use development, comprising two basement levels, retail premises and public access arcade, restaurant and two hotels across levels 2 – 10.</p>	
Land Address:	309-325 Bourke Street, Melbourne	
Amendment Received:	13 August 2024	
Statutory Days:	23 days	
Applicant:	JD Sports Fashion Australia Pty Ltd C/- Contour Consultants Aust Pty Ltd	
Planning Scheme:	Melbourne	
s72 Proposal Summary:	<p>Amendment to permit preamble to allow the construction and display of business identification and advertising signage and various amendments to the endorsed plans including:</p> <ul style="list-style-type: none">• Display of various business identification and advertising signage.• Internal layout changes to combine ground floor tenancies GF02, 03 and 04 and first floor tenancies L1-02/03, L1-04/07 and L1-08/09.• Removal of masonry columns and increasing extent of glazing at the ground floor of the Bootery and Infill buildings.• Infill building façade external material amended from Anodized aluminium cladding to Dibond aluminium cladding with crushed grid print in matte black.• Panel of Dibond aluminium cladding added to east and west side of entrance of PB Bootery Building.• Amalgamation of first floor windows in the infill building to provide one large window area.• Alterations to ground floor Bourke Street canopy.• Entrance at the northern end of Causeway elevation deleted.• Minor amendments to the Façade Strategy.	
Conditions Compliance Summary:	N/A	
Development Value:	Approved value: \$ 105 m	Amended value: \$ 105 m (no change)
Why is the Minister responsible?	The Minister for Planning is the responsible authority for this permit in accordance with the Schedule to Clause 72.01 of the Melbourne Planning Scheme, as the gross floor area exceeds 25,000 square metres.	
Planning Controls:	Clause 37.04	Capital City Zone Schedule 2 (CCZ)
	Clause 43.02	Design and Development Overlay Schedule 1 – Urban Design in Central Melbourne
	Clause 43.02	Design and Development Overlay Schedule 2 (HC-1) – Special Character Areas – Built Form (Hoddle Grid)
	Clause 43.01	Heritage Overlay Schedule (HO509) – Post Office Precinct
	Clause 45.09	Parking Overlay Schedule 2 – Capital City Zone – Retail Core

**Background Information:**

A planning permit was issued on 8 November 2018 for the development of the land for buildings and works comprising retail and hotel uses, including partial demolition, and a reduction of bicycle parking requirements.

Since the permit was issued, the following plans have been endorsed in accordance with the conditions of the permit:

- Condition 1 – Amended Plans
- Condition 4.1 – Façade strategy
- Condition 7.1 – Heritage
- Condition 7.2 (Part 1) – Conservation Management Plan - before demolition
- Condition 7.2 (Part 2) – Conservation Management Plan Addendum
- Condition 28 – Arcades and Laneways Strategy
- Condition 29 – Arcade and Access Management Strategy
- Condition 31 – Wind Assessment
- Condition 34 – Sustainability Management Plan
- Condition 36 – Acoustic Assessment
- Condition 51 – Wayfinding Strategy

At the time of writing, works are significantly progressed on the site.

Planning History:

On 21 August 2019, the permit was amended in accordance with the Victorian Civil and Administrative Tribunal (VCAT) Order dated 16 August 2019 (Reference P2456/2018).

On 21 August 2019, the permit was corrected concurrently with the amendment directed by VCAT to delete reference to use of land as “restricted retail premises” and replace it with “restricted recreation facility”.

On 20 July 2020, amended planning permit PA1800336-1 was issued. The section 72 amendment made the following changes:

- Amend permit preamble to delete reference to use of land as a “restricted recreation facility”.
- Amend permit conditions to require changes to the canopy design, façade materials, and heritage response.
- Introduce a new condition requiring a Conservation Management Plan in relation to windows within the retained heritage facades.
- Amend the waste management plan condition to reflect the addition of a truck lift.
- Introduce a new condition requiring a public lighting plan.

On 23 December 2022, the permit was corrected to enable the Responsible Authority to vary the timing requirement of conditions 7.2 and 29 by including the wording “or as otherwise approved by the Responsible Authority”. Concurrently, consent was granted as follows:

- Condition 7.2 (Part 2) – Conservation Management Plan Addendum
This condition can be satisfied before the completion of the Level 1 slab.
- Condition 29 – Arcade and Access Management Strategy
This condition can be satisfied before the occupation of the development.

On 1 August 2023, plans were endorsed in accordance with:

- Condition 7.2 – Conservation Management Plan Part 2

On 9 January 2024, a secondary consent amendment was approved that made minor internal rearrangements to the approved building, including slightly reconfigured tenancies and adjustments to internal servicing areas. Amended plans were endorsed under condition 1. Corresponding changes were made to the Waste Management Plan (condition 13) and Loading Management Plan (condition 18) to reflect the internal layout changes, approved by Melbourne City Council.



On 12 April 2024, an amended Sustainability Management Plan was endorsed under condition 34 of the permit.

On 13 May 2024, a secondary consent amendment to modify the shopfront options endorsed under condition 28 'Arcades and laneways' of the permit was approved.

On 16 September 2024, plans were endorsed in accordance with:

- Condition 29 – Arcade Access Management Strategy
- Condition 51 – Wayfinding Strategy

On 26 September 2024, a secondary consent amendment was approved allowing modification of the external cladding of the replacement book building and various other minor updates/ corrections to the plans.

Referral Authorities: Melbourne City Council (s55 – Recommending)

Public Notice: Notice of the application under section 52 of the Act was not required given:

- Aside from the proposed buildings and works in the Heritage Overlay, the amendment application is exempt from notice and review requirements pursuant to all other applicable provisions of the scheme.
- The proposed buildings and works are minor in the scale of the development and are required to facilitate the retail tenant brand specifications. Changes are generally limited to external works to the building façade/ canopy and internal reconfiguration of retail tenancies. The works do not extent beyond the approved building footprint, will not result in any additional material detriment or impact any original heritage fabric.
- No material detriment is anticipated to result from the proposed signage, which is considered appropriate given to the surrounding retail land uses and context of the Bourke Street mall.

Recommendation: The amendments to the permit are recommended for approval.

Background



1. The subject site is not located within an area of Aboriginal Cultural Heritage and preparation of a Cultural Heritage Management Plan was not required as part of the development.
2. The key milestones in the application process were as follows:

Milestone	Date
Pre-application (Written advice provided)	3 July 2024 and 5 August 2024
Application lodgement	13 August 2024
Further information requested	6 September 2024
Further information received	13 September 2024 (discussion plan) 2 October 2024
Further information satisfied	23 October 2024
Decision Plans	Plans prepared by IA Design, titled 'Shopfront and Signage Proposal, Tenancy GF 02-04 & L1 02-09, Melbourne Walk, 309-325 Bourke Street Melbourne 3000' and dated 22 October 2024.
Other Assessment Documents	Façade Strategy prepared by Buchan, titled Façade Strategy Revision 2 and dated 20 September 2024.

3. The subject of this report is the decision plans (as described above).



4. The proposal can be summarised as follows:

Key Information	Details	
Proposal:	Various amendments to the endorsed plans and façade strategy to facilitate retail tenant JD Sports. Amendment to permit preamble to allow the construction and display of business identification and advertising signage.	
Total Site Area:	3602 m ²	
	Approved	Proposed
Gross Floor Area:	37,164 m ²	No change - 37,164 m ²
Floor Area Ratio:	10.32:1	No change – 10.32:1
Height:	42.7 metres	No change - 42.7 metres
Setbacks:	No setbacks, walls on boundaries	No change
Land Uses:	Hotel & retail	No change - Hotel & retail
Car Parking:	Nil	No change
Bicycle Parking:	80 spaces	No change – 80 spaces
Motorcycle Parking:	Nil	No change
Parking Total:	80 bicycle spaces	80 bicycle spaces
Loading and Waste:	Access via Union Lane, truck lift provided to basement floors.	No change

Proposed changes

5. The proposal includes the construction and display of various business identification and advertising signage including:
- Vinyl graphic signs displayed on first floor windows of tenancy along The Causeway elevation (excluding the northern bay of windows). A total of 13 windows to be fitted with vinyl signage.
 - Illuminated roundel sign displayed behind glazing of first floor Infill building. The metal roundel sign comprising of three JD sports logos, will be 6 metres wide and 3 metres high and is to be fixed to wall behind.
 - Two fixed illuminated metal signs on the Bourke Street façade, immediately below the canopy. Both signs are centred on the respective building façade, with dimensions of 95.9 cm wide and 65cm high.
 - Suspended illuminated flag sign fixed below the Bourke Street canopy at the intersection of Infill and Diamond House buildings.
 - Suspended fixed illuminated sign fitted above ground floor Causeway window, with width of 2.568 metres and height of 22cm.
 - LED digital screen sign mounted to wall behind glazing of ground floor Diamond House, immediately adjoining entrance to the Walk Arcade. The screen is to be 75cm wide and 2.5 metres high.
 - Two LED screens proposed internally at the Bourke Street entrance of the store, immediately at the eastern side of the Bootery building entrance and western side of Infill building entrance. Each screen to be 50cm wide and 3 metres high.
 - Internally illuminated yellow three-bar light boxes surrounding all ground floor windows and entrances and the first floor Infill building window.

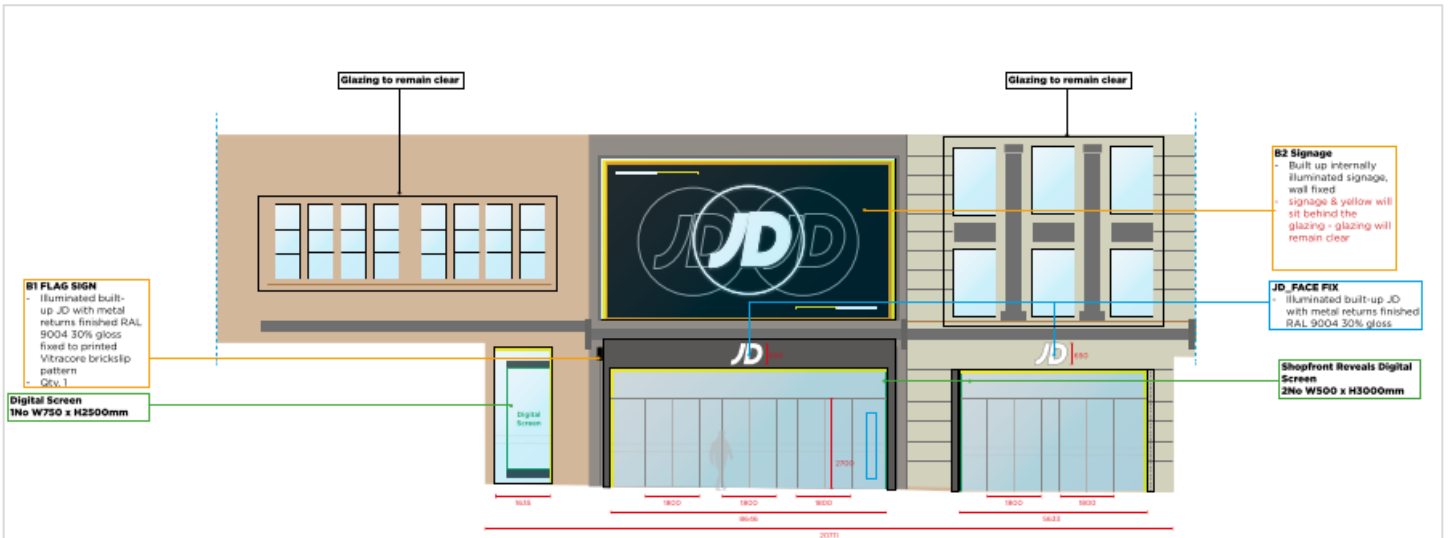
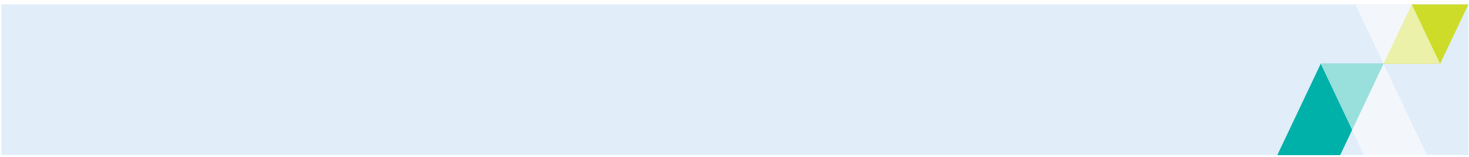


Figure 1 Proposed signage locations - Bourke Street frontage

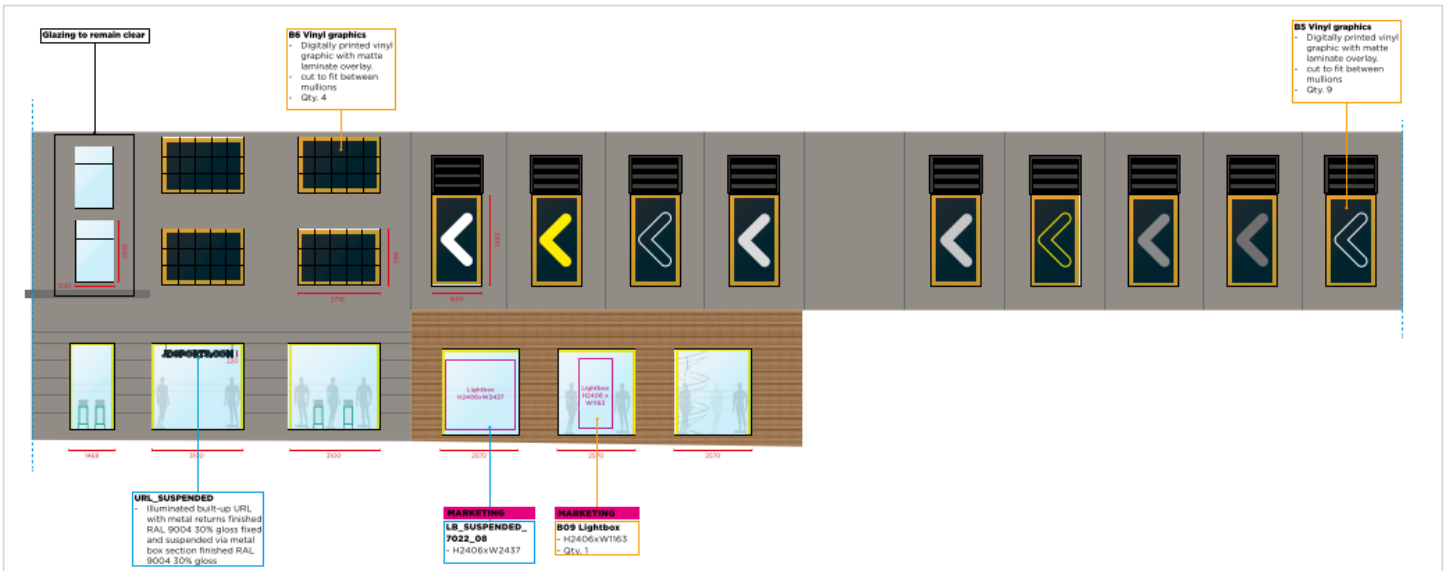


Figure 2 Proposed signage locations - Causeway frontage



Figure 3 Suspended sign specifications - proposed on Causeway elevation

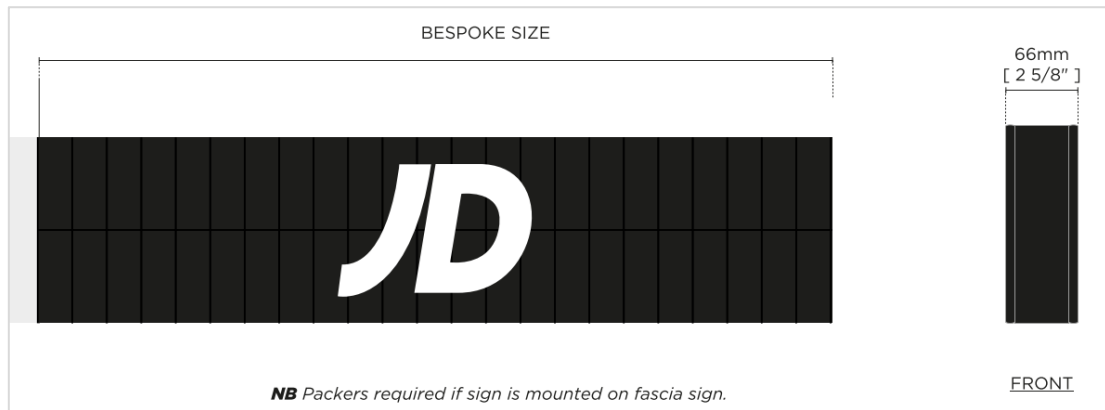


Figure 4 Flag sign specifications - proposed under Bourke Street canopy

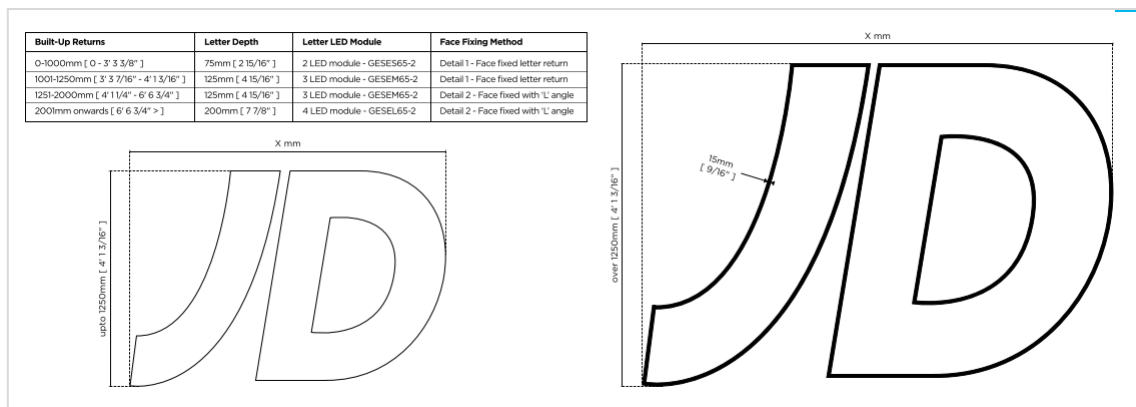


Figure 5 Fixed illuminated signs specifications - proposed under Bourke Street canopy

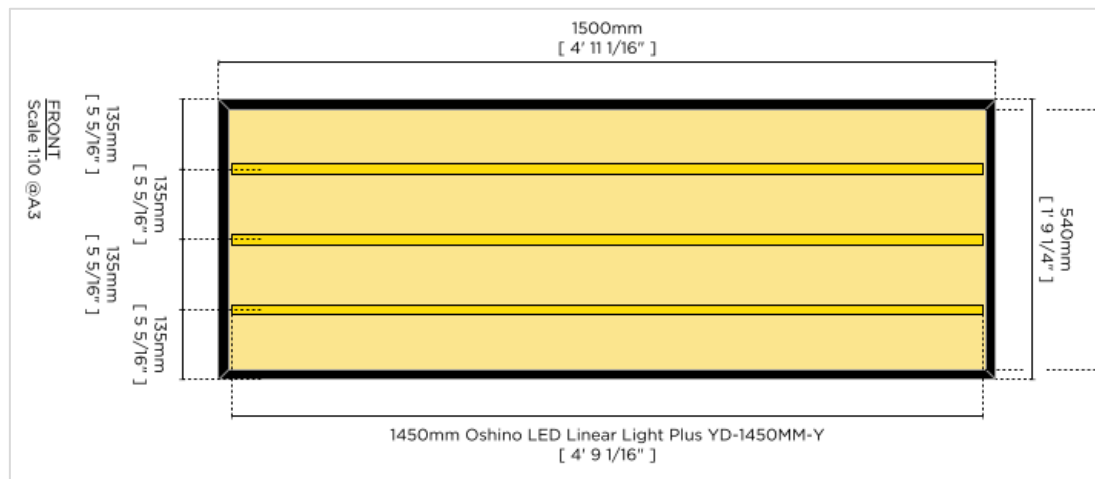


Figure 6 Illuminated light box specifications - proposed surrounding various entrances and windows

6. Various changes to the internal layout are proposed, combining ground floor tenancies GF02, 03 and 04 and first floor tenancies L1-02/03, L1-04/07 and L1-08/09 to facilitate a large two-storey retail floorspace and associated storage/ staff amenities.
7. Various alterations to Bourke Street façade including:
 - Removal of masonry columns and increasing extent of glazing at the ground floor of the PB Bootery and Infill buildings.

- Infill building façade external material amended from Anodized aluminium to Dibond aluminium with crushed grid print in matte black.
 - Panel of Dibond aluminium cladding added to east and west side of entrance of the PB Bootery Building.
 - Amalgamation of first floor windows in the infill building to provide one large window area.
8. Minor alterations to ground floor Bourke Street canopy are proposed, adding step in the canopy between the Infill and Diamond House buildings and removing the step between at the intersection of the Bootery and Infill buildings.
 9. The approved entrance at the northern end of The Causeway elevation is proposed to be deleted and replaced with glazing, given the amalgamation of ground floor tenancies.
 10. Amendments to the Façade Strategy (endorsed under Condition 4.1) are proposed reflect the works and external materials changes, specifically:
 - Bourke Street Design Response (page 3) updated to show extent of JD Sports tenancy.
 - Building 3 – Bourke Street (page 7) updated to include updated concept image of Bourke Street façade, included changes proposed associated with JD Sports tenancy.
 11. The applicant has provided the following concept image of the proposal:

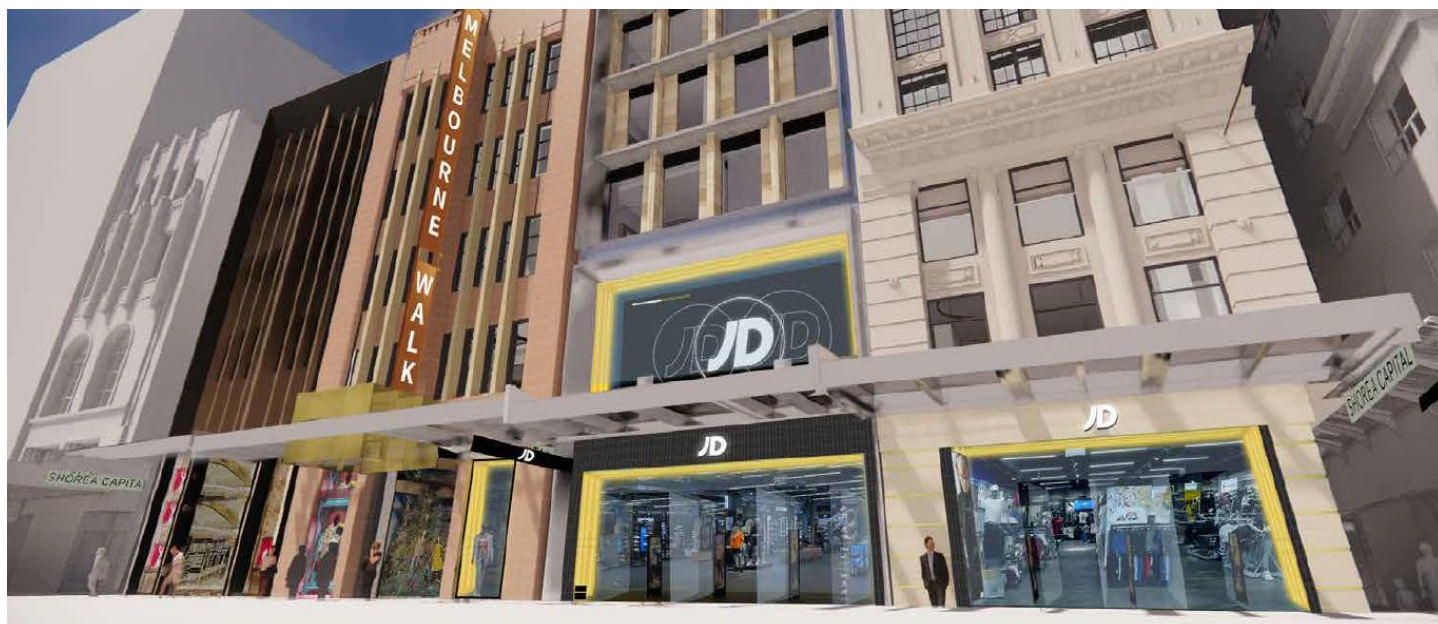


Figure 7 Store frontage concept image – Bourke Street Mall

Subject Site and Surrounds

Site Description

12. The subject site is located on the southern side of Bourke Street, approximately 86 metres northeast of the intersection of Bourke and Elizabeth Streets.
13. The parcel is a regular rectangular shape, with street frontages of approximately 37.5 metres along Bourke and Little Collins Streets. The site is bound by Union Lane to the east and The Causeway to the west, with frontages to each adjoining laneway extending approximately 95.99 metres.
14. The site is formally described as Lot 1 on Title Plan 846746N.



Figure 8 Aerial image of subject site and surrounds (Jan 2018, site now substantially redeveloped)

15. The parcel has a total area of approximately 3602 sqm and is intersected by The Walk Arcade, providing pedestrian access between Little Collins and Bourke Streets.
16. The parcel was previously occupied by a collection of eight buildings, including six heritage buildings which were substantially modified to develop the Walk Arcade in the early 1980s. The buildings ranged from four to eight storeys.
17. Development as approved on the site is now significantly progressed, see figure 10 below. The approved development maintains the Walk Arcade as a pedestrian link through the development.



Figure 9 Existing site conditions (October 2024) - Bourke Street frontage

18. There are several restrictions on the site as follows:

- **Section 173 Agreement AU177454X** dated 26 March 2021.

This agreement between Melbourne City Council and Bardsville Pty Ltd, requiring the owner to construct temporary works on the land to the satisfaction of the council in the event the land remains vacant, demolition or construction ceases for a period of 6 months or more, as required by Condition 10 of the planning permit.

This amendment does not contravene this agreement. The construction on the site is substantially progressed and is continuous.

- **Section 173 Agreement AV510849L** dated 8 April 2022.

This agreement between Melbourne City Council and Bardsville Pty Ltd, requiring the owner to retain ownership and control of through-block links throughout the site, ensure links will be available to the public during retail operation hours and appropriately maintain the links to the satisfaction of Council. The agreement also identifies no part of the land is subject to rights obtained by adverse possession and indemnifies Council from all costs/damages which may be sought from any suit relating to the links. Council remains solely responsible for costs, care and maintenance of Union Lane. This agreement was required by Condition 12 of the planning permit.

This amendment does not contravene this agreement. The access, maintenance and liability requirements of the links through the development remain unchanged.

Site Surrounds

19. The site is located with the retail core of Melbourne's Hoddle Grid. The surrounding development consists mainly of retail and commercial buildings in a range of heights, generally of a low to mid-rise scale, consistent with the historical planning controls protecting the area.
20. Development surrounding the site can be described as follows:
 - To the north of the site, across the Bourke Street Mall, is characterised the Myer and David Jones department stores, ranging in height from four to eight storeys.
 - To the south of the site, across Little Collins Street, is characterised by the St Collins Lane retail arcade, St Collins Lane, various retail stores and thirteen-storey hotel (Novotel, fronting Collins Street).
 - To the east of the site, across Union Lane is the six-storey, historic 'David Jones' Building, which is currently being refurbished and redeveloped as a Mecca Cosmetics store.
 - To the west of the site, across The Causeway, is the nine storey 'Deva' building comprising retail and uses. South of the Deva building is a Causeway House, a nine-storey rendered brick apartment building with ground floor retail.
21. A site inspection of the subject site was undertaken on 5 October 2024. It is noted development construction is ongoing and the site is largely obscured and is not publicly accessible.

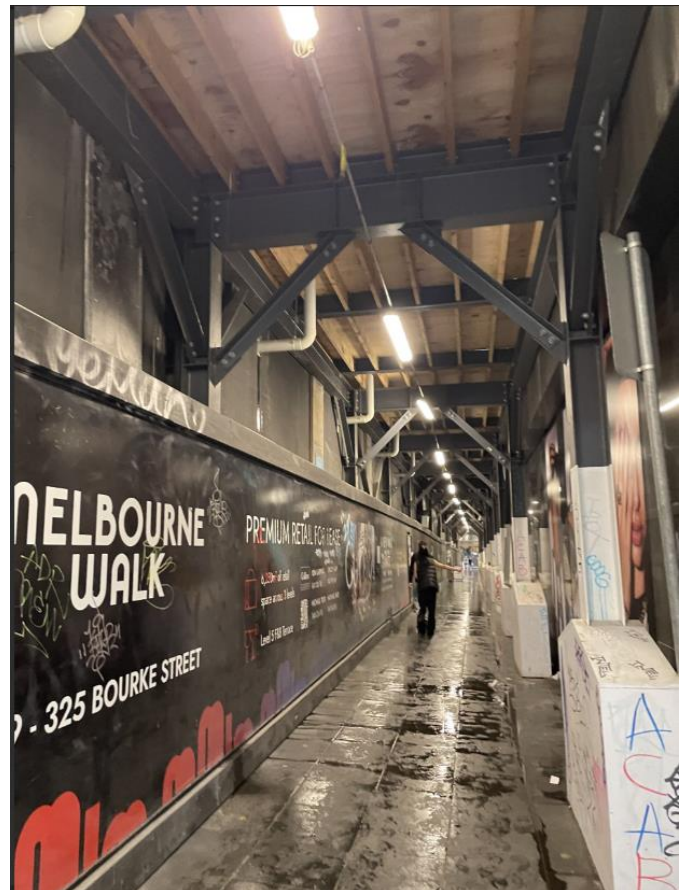


Figure 10 Subject site existing conditions - Bourke Street frontage and The Causeway pedestrian accessway



Referrals

22. The application was referred to the following groups:

Provision / Clause	Organisation	Date Response Received
Section 55 Referral – Recommending	City of Melbourne	13 September 2024
Section 55 Referral – Recommending	City of Melbourne	9 October 2024

Municipal Council Comments

23. Melbourne City Council (the council) considered the application at its IDP committee on 5 September 2024.

24. The council does not object to the application subject to:

- Removal of the first-floor signage (digital LED screen and vinyl window signs).
- Retention of all masonry columns on the ground floor of the Bootery Building.
- Conditions.

25. The full referral response received 13 September 2024 is included below:

*I refer to the Notice of an Application for an Amendment to a Planning Permit for 309 – 325 Bourke Street, Melbourne – application reference number: **PA1800336-2** sent to the City of Melbourne on 20 August 2024. Following review of the application and all relevant provisions of the Melbourne Planning Scheme, the Melbourne City Council does not object to the application subject to:*

- *Removal of the first-floor signage (digital LED screen and vinyl window signs).*
- *Retention of all masonry columns on the ground floor of the Bootery Building.*
- *Conditions.*

The basis of this decision is further detailed in the comments below. This letter is also accompanied by internal referral from City Design.

It is also noted that the proposed amendments may have implications to plans endorsed under the Planning Permit PA1800336-1. No interrelated plans have been sighted by Melbourne City Council officers but may have consequence to the amendment.

Signage

The ground floor signage is supported as it provides a reasonable level of business identification commensurate with the signage pattern along Bourke Street.

The first-floor signage (digital LED screen and vinyl window signs) is not supported as the proposed signs are contrary to Clause 15.01-02 - Signs specifically:

- *The digital LED screen detracts from the character of the adjoining significant buildings and other significant buildings within Bourke Street Mall.*
- *The signs are inconsistent with the signage pattern of Bourke Street Mall between Swanston Street and Elizabeth Street, noting there are no digital LED screen or excessive vinyl window coverings within the Bourke Street Mall.*
- *The size of the digital LED sign is 15m². The size exceeds the allowable size for a panel sign (10m²) and is therefore excessive.*
- *The digital LED sign is inconsistent with the requirements for a Wall sign (first floor to 40m). Specifically, the digital LED sign covers a large portion of the infill Street Mall (i.e no first floor digital screens).*

- *The vinyl signs obscure key architectural features (windows) of significant heritage buildings and reduce street activation by preventing views to internal activity.*

It is recommended that the first-floor signage is removed. Alternative signs may be supported if they were highly transparent and less obsessive. For example, internally illuminated lettering setback behind the window. JD sports adopted a similar signage approach for 189 Sydney Arcade, Pitt Street, Sydney demonstrating a balance can be struck between design quality, heritage and branding.

Shop front alterations including canopy

The shop front alterations (canopy, glazing and masonry) must be considered cumulatively. Cumulatively the proposed amendments reduce the approved design intent including visual separation of the significant buildings, quality of architectural design and materials and activation of the street frontage. These aspects are key considerations of Design and Development Overlays Schedule 1 and 2 and formed the basis of Condition 1 requirements, specifically conditions a), b) and e).

It is acknowledged that a level of alteration is required to facilitate signage for an anchor tenant. However, cumulatively the extent of alterations degrades the design quality. Given the revised canopy and increased glazing of the Infill Building it is recommended that all masonry columns on the ground level of the Bootery Building are retained.

Endorsed plans

The proposed amendments may have implications to plans endorsed under the Planning Permit PA1800336-1. No interrelated plans have been provided by the applicant and therefore have not been considered as part of this amendment.

Amended permit

Amended preamble

Development of the land for buildings and works comprising retail and hotel uses, including partial demolition, and a reduction of bicycle parking requirements and construction and display of a business identification sign.

Amended conditions

1. *Before the development starts, including demolition, bulk excavation and site preparation works, amended plans must be submitted to and be approved by the Responsible Authority in consultation with the Melbourne City Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and one copy (plus an electronic copy) must be provided. The plans must generally be in accordance with the plans submitted with further information, prepared by The Buchan Group, titled 'The Walk Redevelopment RFI Response Architectural Package April 2018', but modified to show the following:*

- a) The ground floor layout modified generally in accordance with the layout shown in the drawing ATP-20003, Ground Floor Plan Revision PO1 prepared by the Buchan Group, dated 27 October 2017.*
- b) Re-design of the infill building fronting Little Collins Street (Book Building replacement) generally in accordance with the 'sketch plans' received on 10 August 2018 prepared by the Buchan Group but further modified to demonstrate a strong contextual relationship to the heritage character of the area, including in the façade composition, rhythm, window proportions, materiality, and level of detailed articulation. The drawings of the façades must demonstrate the thickness, depth and materials and finishes and window reveals must be at least 150mm in depth.*
- c) Details of the undercroft area (transition from lower levels to the upper levels) of the infill building fronting Little Collins Street (Book Building replacement) at the corner of Union Lane and Little Collins Street.*
- d) Deletion of the mirrored glass and floor to ceiling glazing to eastern facades facing Union Lane and replacement with a solid, tactile material such as brick or similar and further modification of the whole eastern elevation to articulate the proposal as a vertical collection of distinct buildings.*
- e) Reduction in the amount of glazing to the ground level and lower section of level 1 of the eastern most infill building fronting Bourke Street and Union Lane including though extension of solid building elements from the upper levels, window framing and other design techniques.*

- f) *All canopies over the street having predominately glass roofs.*
- g) *Deletion of the lenticular brick from western façade facing The Causeway and replacement with a design and materials that express a high quality, durable, fine grain materiality including through the thickness of masonry elements such as, plinths, columns, windows and entries to provide depth, tactility and a human scale.*
- h) *The façade directly above the arcade entry on Little Collins Street re-designed to reduce the amount of glazing and incorporate a design treatment consistent with the arcade entry design.*
- i) *Details of all barriers on the eastern façade that will be closed to after hours to limit entrapment spaces within Union Lane.*
- j) *Detailed drawings of the bike parking areas including the end of trip facilities showing all access doors to and within the bike storage and shower/changeroom area.*
- k) *Pick up and deliveries relating to any off-site laundry facility, from Union Lane, must only occur between 12 am and 8.00 am.*
- l) *Any changes as required by the Waste Management Plan, Acoustic Assessment Loading Management Plan, Wind Assessment Report required by the relevant condition below.*
- m) *The Bourke Street canopy glass feature box reduced in height by a minimum 250mm above the principal canopy line so that it projects no more than 1m above the canopy and no more than 500mm below the canopy.*
- n) *Glass-fiber reinforced concrete (GRC) elements introduced for the horizontal courses within Building 3 of the Bourke Street façade in lieu of aluminium.*
- o) *Removal of digital LED screen and vinyl window signs.*

New Conditions

Signage

The location, size, material of construction, colours, wording and degree of illumination of the signs shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

The signs shown on the endorsed plans must not be animated or contain any flashing light.

The sign, including its structure and advertising material therein as shown on the endorsed plans, shall at all times be maintained in good order and condition to the satisfaction of the Responsible Authority.

All outdoor lighting associated with the signs and supporting structure must comply with Australian Standard AS4282-2019 (Obtrusive Effects of Outdoor Lighting) to the satisfaction of the Responsible Authority.

All signs approved as illuminated must be controllable and dimmable to the satisfaction of the Responsible Authority.

The signs shall only contain an advertisement which provides or supplies information relating to the business conducted on the land as described by this permit.

The time for the commencement of the erection or display of the advertising sign hereby approved is two years from the date of issue and the time for completion is specified as two years from the date of such commencement.

This permit, in relation to the sign, expires 15 years from the date of issue, at which time the sign and all supporting structures must be removed and the site made good to the satisfaction of the responsible authority.

New note

Advertising signs must not be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the exemption provisions of the Melbourne Planning Scheme.

26. Following the request for further information and circulation of the council's referral response, discussion plans were lodged by the applicant on 13 September 2024, followed by amended signage package formally submitted on 2 October 2024. This submission addressed some of the concerns raised in the council's referral response including the deletion of the first floor LED screen. The design response continued to show first floor vinyl signage on The



Causeway elevation, removal of masonry columns on the ground floor of the Bootery Building and revised canopy design, which were not consistent with the recommendations of the council. These amended plans were circulated to the council on 4 October for further review.

27. On 9 September 2024, the council provided the following additional response to DTP:

Thank you for providing the amended plans, background and DTP's recommendations. This has been very helpful in our review. We acknowledge the design has improved however, maintain our position outlined in the letter provided on 13 September 2024. We also support DTP's recommendations.

Informal Referrals / Advice

28. Advice was not sought from any internal referral teams as part of this assessment.

Notice

29. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:

- Clause 43.01 – Heritage Overlay, buildings and works are not exempt from notice and review requirements, unless included in the listed classes of development at 43.01-4.

30. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provisions:

- Clause 37.04 – Capital City Zone (Schedule 2), buildings and works associated with a Section 1 use are exempt from notice and review requirements. *The proposed buildings and works are associated with retail premises, a section 1 use in the zone.*
- Clause 37.04 – Capital City Zone (Schedule 2) works for an advertising sign is exempt from notice and review requirements.
- Clause 43.02 – Design and Development Overlay (Schedule 1) buildings and works are exempt from notice and review requirements.
- Clause 43.02 – Design and Development Overlay (Schedule 2) buildings and works are exempt from notice and review requirements.
- Clause 43.01 – Heritage Overlay, construction or display of a sign are exempt from notice and review requirements.

31. The application was not advertised as it was considered not to cause material detriment to any person because:

- Aside from the proposed buildings and works in the Heritage Overlay, the amendment application is exempt from notice and review requirements.
- The proposed buildings and works are minor in the scale of the development and are required to facilitate the retail tenant brand specifications. Changes are generally limited to external works to the building façade/canopy and internal reconfiguration of retail tenancies. The works do not extend beyond the approved building footprint, will not result in any additional material detriment or impact any original heritage fabric.
- No material detriment is anticipated to result from the proposed signage, which is considered appropriate given to the surrounding retail land uses and context of the Bourke Street mall.



Planning Policy

33. There have not been changes to policy under the Planning Policy Framework relevant to this amendment since the decision on the previous Section 72 Amendment PA1800336-1, issued 20 July 2020. It is noted the City of Melbourne is currently undertaking a review of the Signs Policy, however the associated planning scheme amendment C395 is yet to be formally exhibited. The objectives of the City of Melbourne and preferred signage outcomes are considered to be appropriately reflected in the formal referral response, which has been thoroughly considered as part of this assessment.

Statutory Planning Controls

34. Since the issue of planning permit PA1800336-1, the following statutory planning controls within the scheme have changed:
- Schedule 4 to the Design and Development Overlay (Weather Protection in the Capital City Zone) no longer applies to the site and has been removed from the Melbourne Planning Scheme.
 - Parking Overlay – Precinct 2 has now been applied to the subject site.
35. The proposed amendments will not compromise the objectives of the overlays. The re-examination of these provisions is not required given this amendment does not seek consent for any substantial changes to the development, including the number of car parking space provided (remains zero).

Internal layout

36. The internal layout is proposed to be altered to combine several tenancies on the ground and first floors to create a large retail tenancy, which meets the requirements of JD Sports. This change is considered minor and has a negligible impact on the development.

Built form

37. The proposed built form changes include removing masonry columns and increasing extent of glazing at the ground floor of the PB Bootery and Infill buildings, amendments to window configuration to first floor Infill building, alteration to the Bourke Street canopy design and removal of access from The Causeway.
38. These changes are considered generally minor in the context of the larger hotel/ retail development. The proposed works do not undermine the significance of the heritage buildings which are being restored as part of the development. The masonry columns on the ground floor of the PB Bootery building were to be newly constructed and hence do not constitute a loss of heritage fabric.
39. The increased extent of glazing allows for greater visual permeability at ground level will not undermine the overall quality of architectural design. The amendment to the window configuration at the first floor of the Infill building does not undermine the articulation of the building facades and is acceptable.
40. The replacement of the approved door from The Causeway to the PB Bootery Building to a window is considered a minor change. Access via the laneway is no longer required given the revised tenancy floorplan, accessible via Bourke Street and internally through the Walk arcade.

External materials

41. The external material of the Infill building at the ground floor is to be changed from anodized aluminium in charcoal to Dibond aluminium with crushed grid print in matte black. Given the similarity of the products, both a dark coloured aluminium cladding, this change is considered to be minor and acceptable.
42. The revised cladding material is also proposed to be applied to the frontage of the PB Bootery building, with two narrow stripes along either side of the entrance. The black colour is associated with the JD Sport branding. Given the very small area of the cladding, the addition of the cladding will not dominate the façade and is acceptable.
43. Changes to the endorsed façade strategy are needed to appropriately reflect the amendments to external materials, which will be required via permit condition.

Signage

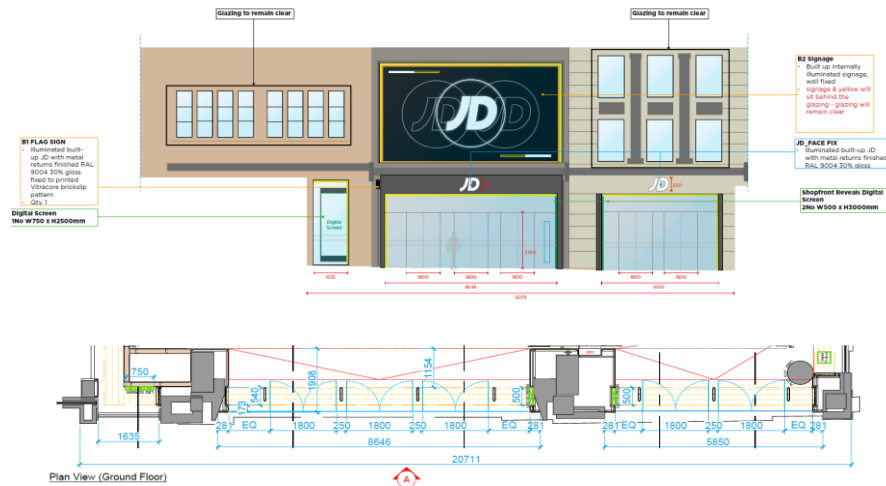
44. The application seeks additional consent for the construction and display of signage pursuant to Clause 37.04-5 Capital City Zone. The sign requirements of Clause 52.05 apply; however, the Capital City Zone is not in a specific sign category, as listed in Clause 52.05-11 to 52.05-14.
45. Clause 15.01-1L-02 of the Melbourne Planning Scheme identifies objectives for the application of signs, including protection of characteristics of significant buildings and streetscapes, protection of important vistas from obtrusive signs and integration of signs with architectural form and features, including windows.
46. Clause 5.0, Schedule 2 to Clause 37.04 Capital City Zone, states a permit is required to erect an advertising sign, except for the following:
 - Advertising signs exempted by Clause 52.05.4.
 - An under-verandah business sign if:
 - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;
 - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
 - It does not contain any animation or intermittent lighting.
 - A ground floor business sign cantilevered from a building if:
 - It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
 - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
 - It does not contain any animation or intermittent lighting.
 - A window display.
 - A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.
 - Renewal or replacement of an existing internally illuminated business identification sign.
47. The following signs proposed as part of this amendment application meet the exemptions listed above and do not require consent:
 - Suspended illuminated flag sign fixed below the Bourke Street canopy at the intersection of Infill and Diamond House buildings. The sign is to be approximately 3 metres above ground level, suspended perpendicular to the building façade and consistently illuminated.
48. The types and quantity of business identification and advertising signage proposed is appropriate in the context of the retail core of the Melbourne Central Business District. The extent of signage proposed allows for the reasonable identification JD Sports brand. However, the design response allows branding features and signage to be effectively incorporated to avoid unreasonable visual clutter.
49. The proportions and location of the signs do not conceal the architectural features of the development and will not degrade the heritage character of the wider streetscape of the Bourke Street Mall.
50. Much of the signage is limited to the ground floor along the Bourke Street Façade, which is consistent with the policy at Clause 15.01-1L. The large roundel sign at the first floor fronting Bourke Street is a fixed, illuminated business identification sign, mounted behind the glazing. The level illumination is not anticipated to compromise surrounding amenity. The remaining first floor windows along Bourke Street remain clear and unobscured.
51. Fixed, illuminated business identification signage and vinyl signage is proposed along The Causeway elevation. This laneway is narrow (approximately 2.5 metres wide) and hence visibility of signage along this frontage is reduced, compared with the Bourke Street frontage. The suspended illuminated business identification sign proposed in the ground floor window is set behind the glazing and considered effectively integrated into the heritage façade of the Bootery Building. Vinyl signs are applied to all first-floor windows aside from the northern bay, however given the location of these windows this outcome is considered acceptable.

52. The merit of each specific sign is assessed in detail in the section below.

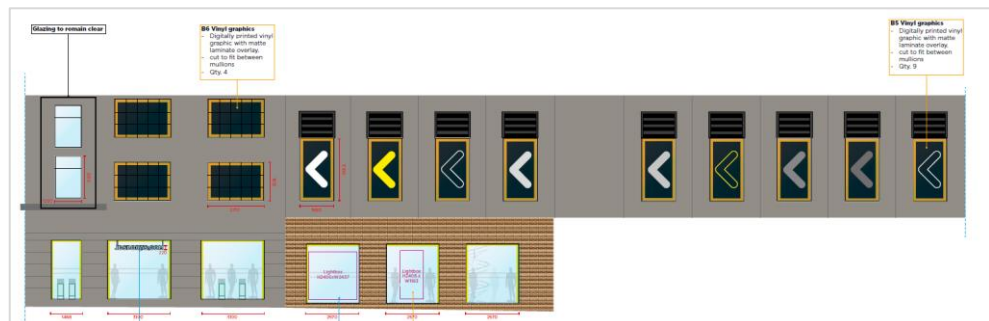
Amended Plans

53. Changes are proposed to the plans and assessed as follows:

Change / Comment	
Proposed Change	<p>Addition of various business identification and advertising signs including:</p> <ul style="list-style-type: none"> Vinyl graphic signs displayed on first floor windows of tenancy along The Causeway elevation (excluding the northern bay of windows). A total of 13 windows to be fitted with vinyl signage. Illuminated roundel sign displayed behind glazing of first floor infill building. The metal roundel sign comprising of three JD sports logos, will be 6 metres wide and 3 metres high and is to be fixed to wall behind. Two fixed illuminated metal signs on the Bourke Street façade, immediately below the canopy. Both signs are centred on the respective building façade, with dimensions of 95.9cm wide and 65cm high. Suspended illuminated flag sign fixed below the Bourke Street canopy at the intersection of Infill and Diamond House buildings. Suspended fixed illuminated sign fitted above ground floor Causeway window, with width of 2.568 metres and height of 22cm. LED digital screen sign mounted to wall behind glazing of ground floor Diamond House, immediately adjoining entrance to the Walk Arcade. The screen is to be 75cm wide and 2.5 metres high. LED screens proposed internally at the Bourke Street entrance of the store, immediately at the eastern side of the Bootery building entrance and western side of Infill building entrance. Each screen to be 50cm wide and 3 metres high. Internally illuminated yellow three-bar light boxes surrounding all ground floor windows and entrances, first floor Infill building window.



Proposed signage – Bourke Street elevation and floor plan (LED screens shown in green)



Assessment

The extent of proposed signage is considered appropriate in the context of the development and wider location in the retail core of the Melbourne CBD. While there is a substantial extent of illuminated signage proposed, particularly at the ground level at Bourke Street, it is not considered the signage will degrade the visual amenity of the area of quality of the development more generally.

Vinyl graphic signage proposed on the first-floor windows of The Causeway are acceptable, given the narrow width of the laneway and likelihood the vinyl signs will be largely obscured from view from ground level. The signage will not alter the configuration of windows along the laneway, which can be reverted to clear glazing should JS Sports vacate this site in future. At the request of DTP, the vinyl signs have been removed from the most northern bay of windows along The Causeway, which will ensure visual permeability into the tenancy for pedestrians looking east along Bourke Street.

The illuminated roundel sign proposed on the first floor of the infill building is considered an appropriate scale and is not expected to visually dominate the development. The sign has a total area of 18sqm and will be fixed to the wall behind which is covered in matte-coloured graphic. The sign will be offset behind the building glazing and the extent of illumination will be limited to the narrow circle and letters (see example sign in existing JD store below). This sign is not considered to result in any external off-site impacts to adjoining properties.



The business identification signage proposed under the Bourke Street canopy, fixed to the frontage of the Infill and PB Bootery buildings, are considered typical in size and design in this context. The size of these signs is appropriate and centred at the entrances of the tenancy.

The suspended illuminated flag sign proposed under the Bourke Street canopy is considered to meet the requirements of exempt signage at Clause 5, Schedule 2 to the Capital City Zone and is appropriate in the context of the Bourke Street Mall.

The suspended illuminated sign proposed above the central window of the PB Bootery Building fronting the Causeway is an appropriate scale and will have limited impact, being generally obscured for pedestrians where not immediately nearby in the Causeway.

The LED screen proposed behind the glazing of the western ground floor window of Diamond House is acceptable. While the screen will display moving images and externally emit light, the size and location of the screen behind the shop glazing will allow the screen to read as a typical window display. The size of the screen is considerate of the context and does not occupy the entire window area.

The LED screens proposed at the entrances of the store on Bourke Street will not be orientated outward to the street, however, will be visible to pedestrians travelling east or west along the southern side of the mall. While these screens will be noticeable to pedestrians in the immediate vicinity, the screens will be largely obscured from view for pedestrians further from the store frontage, particularly on the northern side of Bourke Street. Given the screens are contained within the tenancy and are not orientated directly to the street frontage, they are considered acceptable.

The use of illuminated yellow lightboxes is part of the JD Sports store branding, consistent across all retail stores. The extent of the lightboxes is limited to ground floor windows and entrances and the large first floor infill window. The lightbox will be visible external to the store, however, are partially recessed within the building

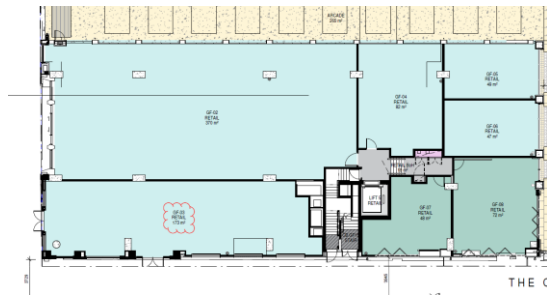
see example image below. The brightness of the lightboxes is not considered to have adverse impacts on surrounding properties or the character of the Bourke Street Mall.



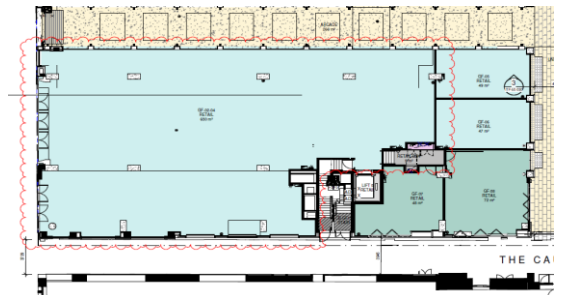
Change / Comment

Proposed Change

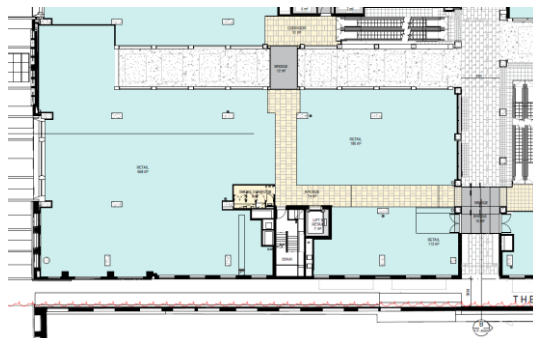
Internal layout changes, combining ground floor tenancies GF02, 03 and 04 and first floor tenancies L1-02/03, L1-04/07 and L1-08/09 to facilitate large two storey JD Sports retail floor space and associated storage/ staff amenities.



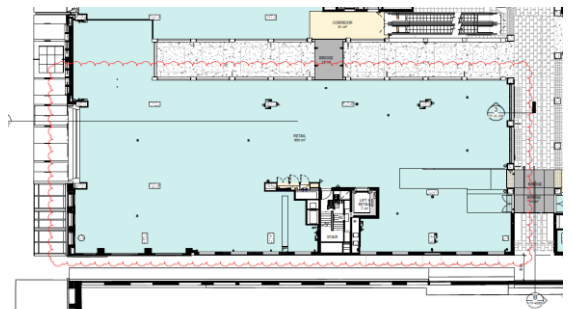
Endorsed plans – Ground floor tenancies



Amended plans – Combined ground floor tenancies



Endorsed plans – First floor retail tenancies



Amended plans – First floor combined tenancies

Assessment

The proposed amalgamation of ground floor and first floor tenancies at the northwest of the development is considered a generally minor change. The configuration of the approved tenancies was designed prior to securing prospective retail tenants and some degree of internal alteration to accommodate specific needs of tenants is reasonable. This change is sought to facilitate the requirements of JD Sports who require a large floor area to deliver a store across two floors of the development.

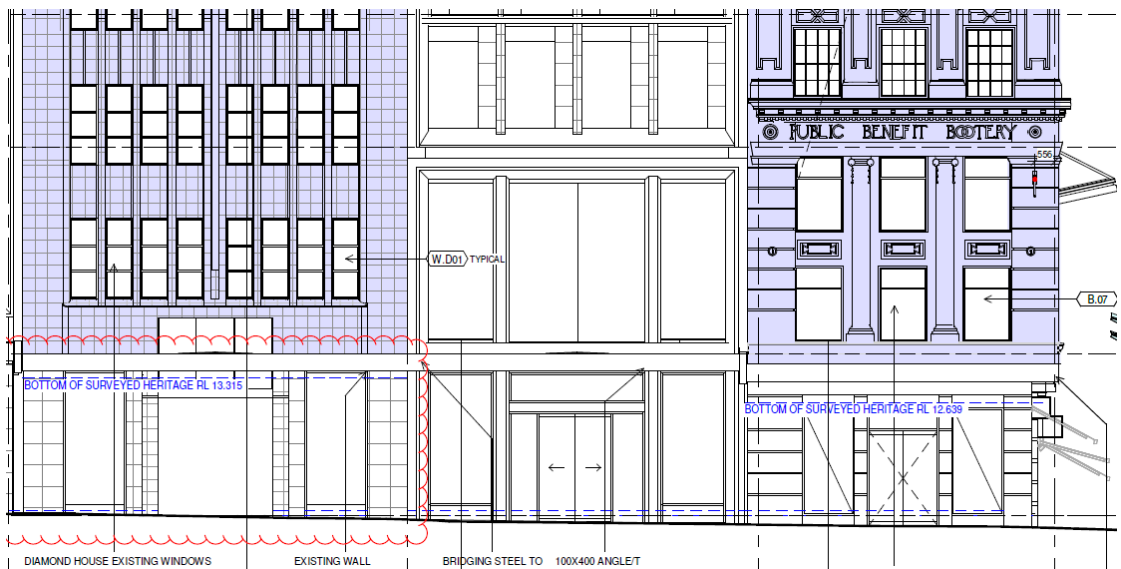
This change is internal only and will not result in any significant impacts to the external façade of the development. This change is recommended to be supported.

Change / Comment

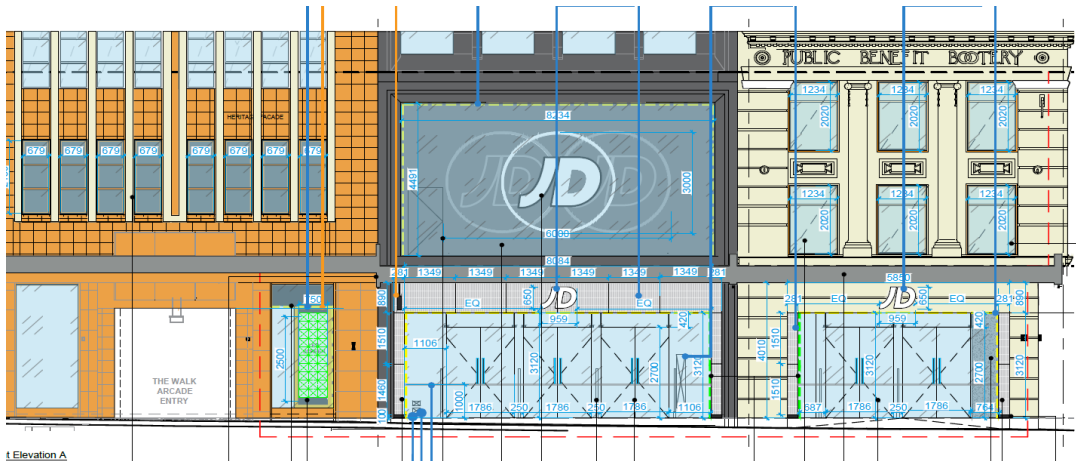
Proposed Change

Alterations to Bourke Street façade including:

- Removing masonry columns and increasing extent of glazing at the ground floor of the Bootery and Infill buildings.
- Infill building façade external material amended from Anodized aluminium to Dibond aluminium with crushed grid print in matte black.
- Panel of Dibond aluminium cladding added to east and west side of entrance of Bootery Building.
- Amalgamation of first floor windows in the infill building to provide one large window area.



Endorsed northern elevation – Bourke Street facade



Amended northern elevation – Bourke Street facade

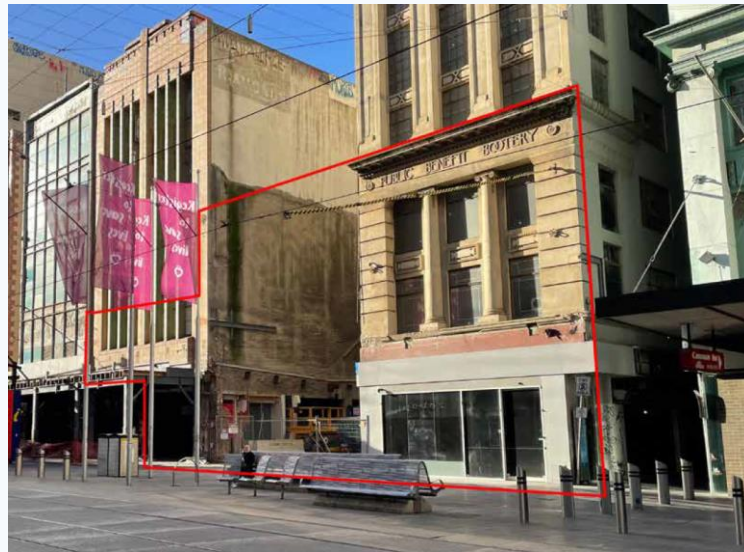
Assessment

Ground floor

The removal of approved masonry columns at the ground floor of the Bootery Building is not preferred, however this outcome is considered acceptable given the ground floor of this building had been significantly modified prior to this development commencing (refer to image below of subject site prior to development). As such, the approved columns were designed to replicate the original design and did not constitute original heritage fabric. There is a



significant extent of heritage fabric which is being retained and has been restored as part of this development and this change does not undermine the overall benefits to the heritage streetscape.



Retention of the ground floor masonry columns of the Bootery Building was a condition of the council's support of the application. The council has been notified the design has not been updated to retain the columns and will have the opportunity to appeal the decision on this basis.

The increased extent of glazing on the ground floor infill and Bootery buildings is acceptable, noting the amended design will provide increased for visual permeability into the store and is generally consistent with surrounding retail frontages in the Bourke Street Mall.

The proposed amended material to the infill building is acceptable given the similarity of the material. The approved material is charcoal coloured aluminium cladding, while matte black aluminium cladding with a crushed grid print in now proposed. These materials are considered to read very similarly and do not constitute a significant change. This material is also proposed in two narrow stripes alongside the entrance to the tenancy from Bourke Street at the PB Bootery Building. The use of the material is minor, measuring 281mm on either side and is not anticipated to visually dominate the façade. This colour is consistent with JD Sports branding is an acceptable outcome.

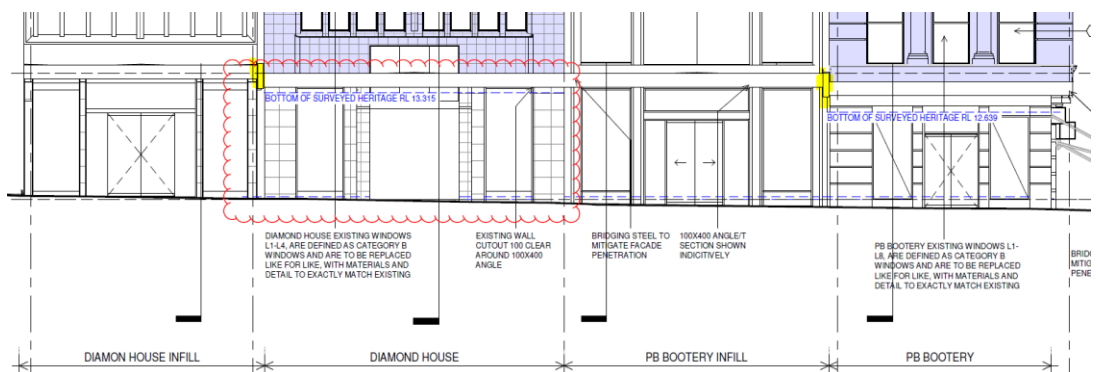
First floor

The combination of three windows on the first floor of the infill building to create large window is recommended to be supported. While the window design previously approved was more response to the façade pattern of the adjoining buildings, the amended window configuration will still ensure the buildings appear as distinct facades and is acceptable.

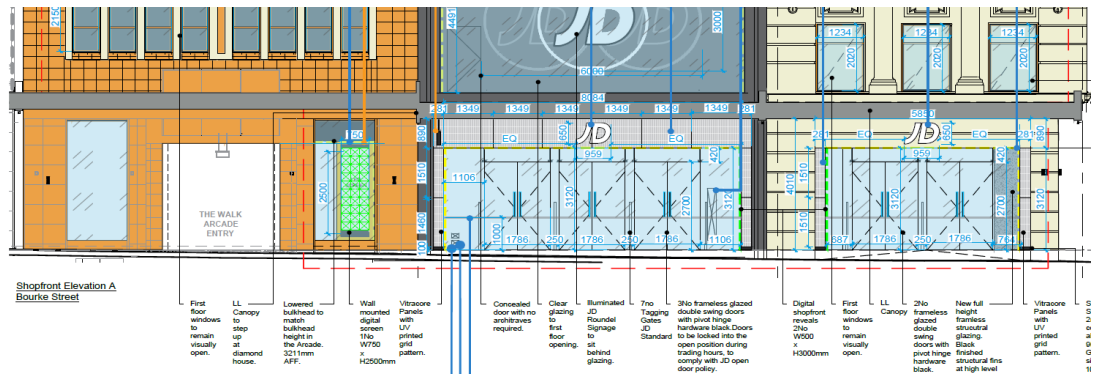
Change / Comment

Proposed Change

Alterations to ground floor Bourke Street canopy, adding step in the canopy between the Infill and Diamond House buildings and removing the step between at the intersection of the PB Bootery and Infill buildings.



Endorsed northern elevation – Bourke Street canopy



Amended northern elevation – Bourke Street canopy

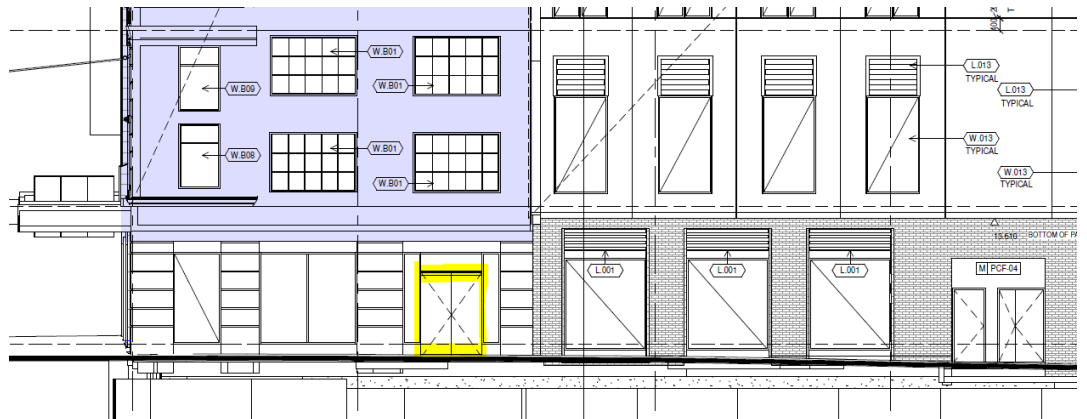
Assessment

The amendment to the Bourke Street canopy is minor. While the step approved at the western end of the canopy at the intersection of the Infill and PB Bootery buildings has been deleted, an additional step has been added in the central section between the Infill and Diamond House buildings. The steps in the canopy ensure the façades visually read as separate buildings. The variation in materiality and designs in façades as constructed is considered to ensure this objective is achieved, despite the minor change to the canopy design. This change is therefore considered recommended for approval.

Change / Comment

Proposed Change

Entrance at the northern end of The Causeway elevation deleted and replaced with glazing, given the amalgamation of ground floor tenancies.



Endorsed western elevation – The Causeway frontage



Amended western elevation – The Causeway frontage (access removed)

Assessment

The deletion of the western entrance from The Causeway to the ground floor tenancy is considered a minor change. This door was provided to provide access to the approved tenancy GF-03 which is now proposed combined into the larger JD Sports tenancy. The amended tenancy will be provided with access via Bourke Street and internally via the Walk Arcade. The development includes other ground floor tenancies which will directly front the Causeway and ensure the laneway remains an activated retail area. This change is recommended for approval.

Change / Comment

Proposed Change

Amendments to the Façade Strategy (endorsed under Condition 4.1) to reflect the works and external materials changes, specifically:

- Sheet titled *Bourke Street Design Response* (page 3) updated to show extent of JD Sports tenancy.
- Sheet titled *Building 3 – Bourke Street* (page 7) updated to include updated concept image of Bourke Street façade, included changes proposed associated with JD Sports tenancy.

Assessment

The changes to the façade strategy are generally minor and are made only to reflect proposed external changes discussed above and to ensure consistency between documents endorsed under the amended permit.

To avoid the need for an addendum to the strategy specific to the JD Sports tenancy, it is recommended amendments are limited to the external material changes proposed only.

Page titled *Building 03 – Shopfront 01* (sheet 25) of endorsed strategy, is required to be updated to replace reference to 'Charcoal Anodized Aluminium' with the updated material 'Matte Black Dibond Aluminium'.

The are highlighted extent of the tenancy is also to be removed from page 3. These changes are to be requested via condition on permit.

54. The amended plans remain compliant with the requirements of relevant conditions of the permit:

- Condition 4.1 – Façade Strategy (once updated with revised materials)
- Condition 5 – Materials and finishes
- Condition 27 & 28 – Arcades and laneways

Amended Permit Preamble

55. The permit preamble is to be amended to read: 'Development of the land for buildings and works comprising retail and hotel uses, including partial demolition, reduction of bicycle parking requirements and construction and display of business identification and advertising signs.'

Amended Permit Conditions

56. The following changes to current permit conditions proposed as part of this amendment:



Condition 4.1 Façade Strategy, amended to include additional conditions (i) and (j) to read:

Page titled Bourke Street Design Response (sheet 3), amended to remove highlighted tenancy boundary.

Page titled Building 03 – Shopfront 01 (sheet 25), amended to replace reference to ‘Charcoal Anodized Aluminium’ with the updated material ‘Matte Black Dibond Aluminium’.

57. The following additional permit conditions and note are proposed to be added:

Signage

Prior to occupation of the tenancy GR02-04 & L102-09, a Shopfront and Signage Proposal for the tenancy must be submitted to and be approved by the Responsible Authority. The Shopfront and Signage Proposal must be generally in accordance with the Proposal prepared by IA Design, dated 22 October 2024 but modified to show:

a) Dimensions of projecting flag sign to be mounted under Bourke Street canopy.

The location, size, material of construction, colours, wording and degree of illumination of the signs shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

The signs shown on the endorsed plans must not be animated or contain any flashing light.

The signs, including its structure and advertising material therein as shown on the endorsed plans, shall at all times be maintained in good order and condition to the satisfaction of the Responsible Authority.

All outdoor lighting associated with the signs and supporting structure must comply with Australian Standard AS4282-2019 (Obtrusive Effects of Outdoor Lighting) to the satisfaction of the Responsible Authority.

All signs approved as illuminated must be controllable and dimmable to the satisfaction of the Responsible Authority.

The signs shall only contain an advertisement which provides or supplies information relating to the business conducted on the land as described by this permit.

The time for the commencement of the erection or display of the advertising sign hereby approved is two years from the date of issue and the time for completion is specified as two years from the date of such commencement.

This permit as it relates to signs will expire 15 years from the issued date of this permit. On expiry of the permit, the sign and structures built specifically to support and illuminate it must be removed. In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

Permit note

Advertising signs must not be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the exemption provisions of the Melbourne Planning Scheme.

58. It is noted most permit conditions recommended by the council in its referral response dated 13 September 2024 have been adopted, aside from the following changes:

- Recommended condition 1(o) requiring the removal of LED digital screen and vinyl window signs has not been included. The LED screen originally proposed on the first floor of the Infill building has been removed and the number of vinyl signs reduced significantly.
- Condition relating to signage expiry has been amended to be consistent with DTP’s standard phrasing.



59. The proposed amendments have been considered by the City of Melbourne as a formal referral agency (S55 Recommending). The council is aware conditions of its support have not been addressed and a Notice of Decision to Grant an Amended Planning Permit will be issued on this basis.
60. It is recommended that a **Notice of Decision to Grant an Amended Planning Permit** No. PA1800336-2 for the *Development of the land for buildings and works comprising retail and hotel uses, including partial demolition, reduction of bicycle parking requirements and construction and display of business identification and advertising signs* at 309-325 Bourke Street, Melbourne, be issued subject to conditions.
61. It is recommended that the applicant be notified of the above in writing.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
- Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
- Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.



Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
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