

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

**Planning Permit Application: TP-2016-1124
Queen Street Road Reserve and Queen Victoria Market, 65-159 Victoria
Street, Melbourne**

2 May 2017

Presenter: Evan Counsel, Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a planning application for demolition, buildings and works to construct a temporary market facility, display of internally illuminated advertising signage and a waiver of loading and unloading requirements at the above address.
2. The applicant is Contour Consultants c/o Melbourne City Council, the land owner is the Melbourne City Council and the architect is Breathe Architects.
3. Although this report is limited to considering the planning merits of the proposal, it is noted that the proposed development forms part of the Queen Victoria Market Precinct Renewal (QVMPR).
4. The subject land is located in the Capital City Zone Schedule 1 and is affected by a Heritage Overlay (HO7 Queen Victoria Market Precinct and HO496 Queen Victoria Market), Design and Development Overlay Schedule 14 and Parking Overlay Schedule 1.
5. Amendment C245 proposes new planning controls in this area. On 26 July 2016 Council resolved to adopt Amendment C245 following the receipt of the Planning Panel Report. The amendment has now been forwarded to the Minister for Planning for final consideration and decision.
6. The proposal includes demolition of the existing toilet block on Queen Street and construction of a two storey temporary building within the Queen Street road reserve for a length of 264m with a maximum height of 13m and width of 10-19m. The new temporary facility will be in place for approximately five years and will house market traders at ground floor with an 'urban greenhouse' proposed on the first floor.

Key issues

7. The key issues in the consideration of this application are heritage, built form, traffic and loading, street tree impacts and advertising signage.
8. The height and built form of the proposal are generally consistent with relevant policy, built form outcomes and amendment C245. The new building, by virtue of its lightweight materials, transparent upper floor and sensitive modern design, will adequately respect the existing market and wider precinct.
9. Subject to conditions, traffic and loading changes are appropriate and the extent of signage has been reduced. A revised tree management plan will facilitate an appropriate level of pruning or require removal and replacement to street trees as appropriate.
10. A condition of permit will require that the development is removed from the land no later than five years from the completion of the development.

Recommendation from management

11. That the Future Melbourne Committee resolves that a Notice of Decision to Grant a Permit be issued subject to the conditions set out in the delegate report (refer Attachment 4 – Delegate Report).

Attachments:

1. Supporting Attachment (page 2 of 53)
2. Locality Plan (page 3 of 53)
3. Selected Plans (page 4 of 53)
4. Delegate Report (page 25 of 53)

Supporting Attachment

Legal

1. The Council is the Responsible Authority for this application.
2. Pursuant to Section 96(1) of the Planning and Environment Act 1987 (Act), 'a responsible authority must obtain a permit from the Minister before carrying out any use or development for which a permit is required under the planning scheme for which it is the responsible authority, unless the planning scheme gives an exemption'.
3. Clause 67.01 of the *Melbourne Planning Scheme* provides an exemption from the provisions of Section 96 of the Act for the use and development of land for the purpose of leisure and recreation.

Finance

4. There are no direct financial issues arising from the recommendations contained within this report.

Conflict of interest

5. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

6. Formal notification of the application was given by placing an advertisement in The Age newspaper on 09 Feb 2017, ordinary mail to the owners / occupiers of surrounding properties and by posting three notices on the site for a 14 day period.
7. A total of 31 objections to this application have been received.
8. The QVMPR team undertook two public consultation/information meetings at the subject site in January 2017 prior to public notice of this application being undertaken. These meetings were to inform traders and the public of the proposed greenhouse structure and the QVMPR works in general and were well attended with approximately 100 people attending per day including traders, local residents and the general public.

Relation to Council policy

9. Relevant Council policies are discussed in the attached Delegate Report (refer to Attachment 4).

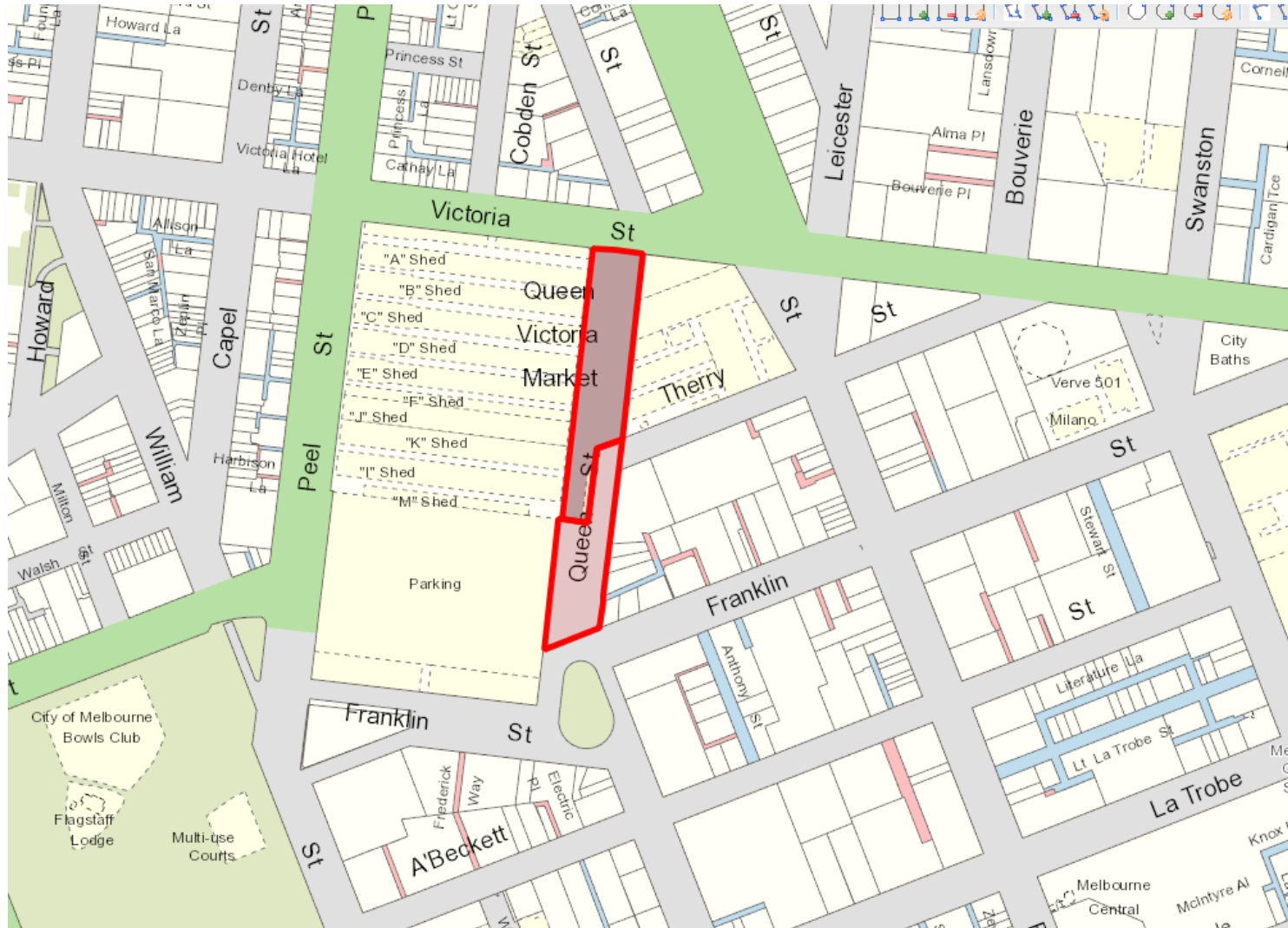
Environmental sustainability

10. A Sustainable Management Plan prepared by Hype Sustainability was submitted with the application and satisfies the requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management/ Water Sensitive Urban Design).

Locality Plan

Attachment 2
Agenda item 6.1
Future Melbourne Committee
2 May 2017

Queen Street road reserve and Queen Victoria Market, 65-159 Victoria Street, Melbourne



M A R K E T — G A R D E N

Town Planning Application QVMPR Market Garden Queen Street Melbourne, VIC 3000

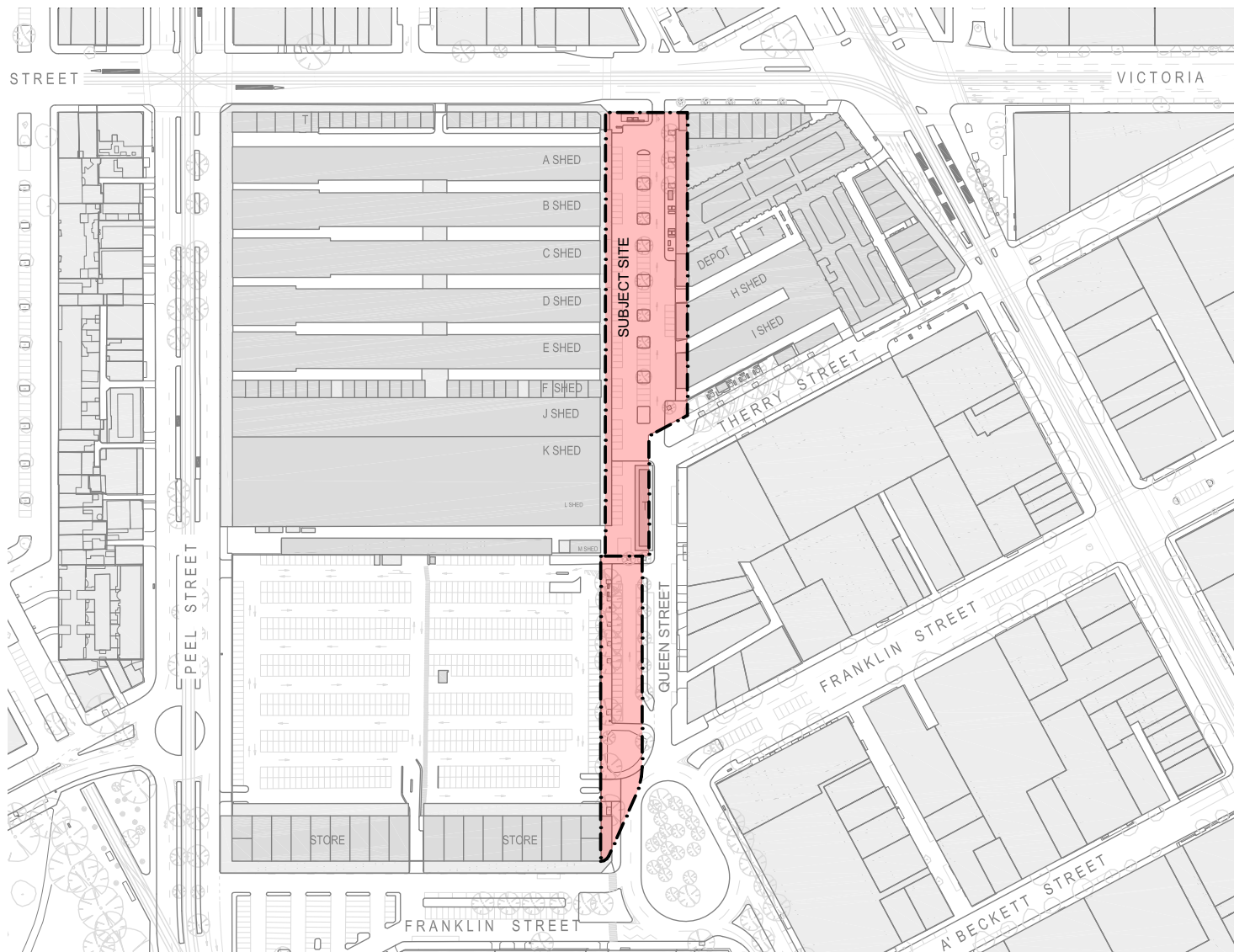


Perspective view of temporary pavillion from Victoria St

Drawing List

TP00	CONTENTS	01
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TP12	DETAILED LEVEL 1 PLAN — NORTH	00
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TP17	DETAILED ELEVATIONS — WEST	00
TP18	SECTIONS	00
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TP20	SHADOW STUDIES	00
TP21	SHADOW STUDIES	00
TP22	SHADOW STUDIES	00
TP23	SHADOW STUDIES	00
TP24	SHADOW STUDIES	00
TP25	MATERIALS PALETTE	00
TP26	RENDERS	00





01 Site Plan
 1:2000

Design Response

Market Garden serves as a temporary trading pavilion that initiates a layered programmatic and experiential outcome for the trader, shopper and visitor. Through contextual ground floor markings and super graphics that reference and describe the narrative of the current site, traders will have a defined place of business beneath a productive and seasonal greenhouse. Market Garden is not about redefining the way traders interact with their customers, it's about respecting and maintaining the iconic market experience, movement and feel, ensuring that stallholders are able to continue trading as they know and enjoy in a temporary environment.

TRADING HALL

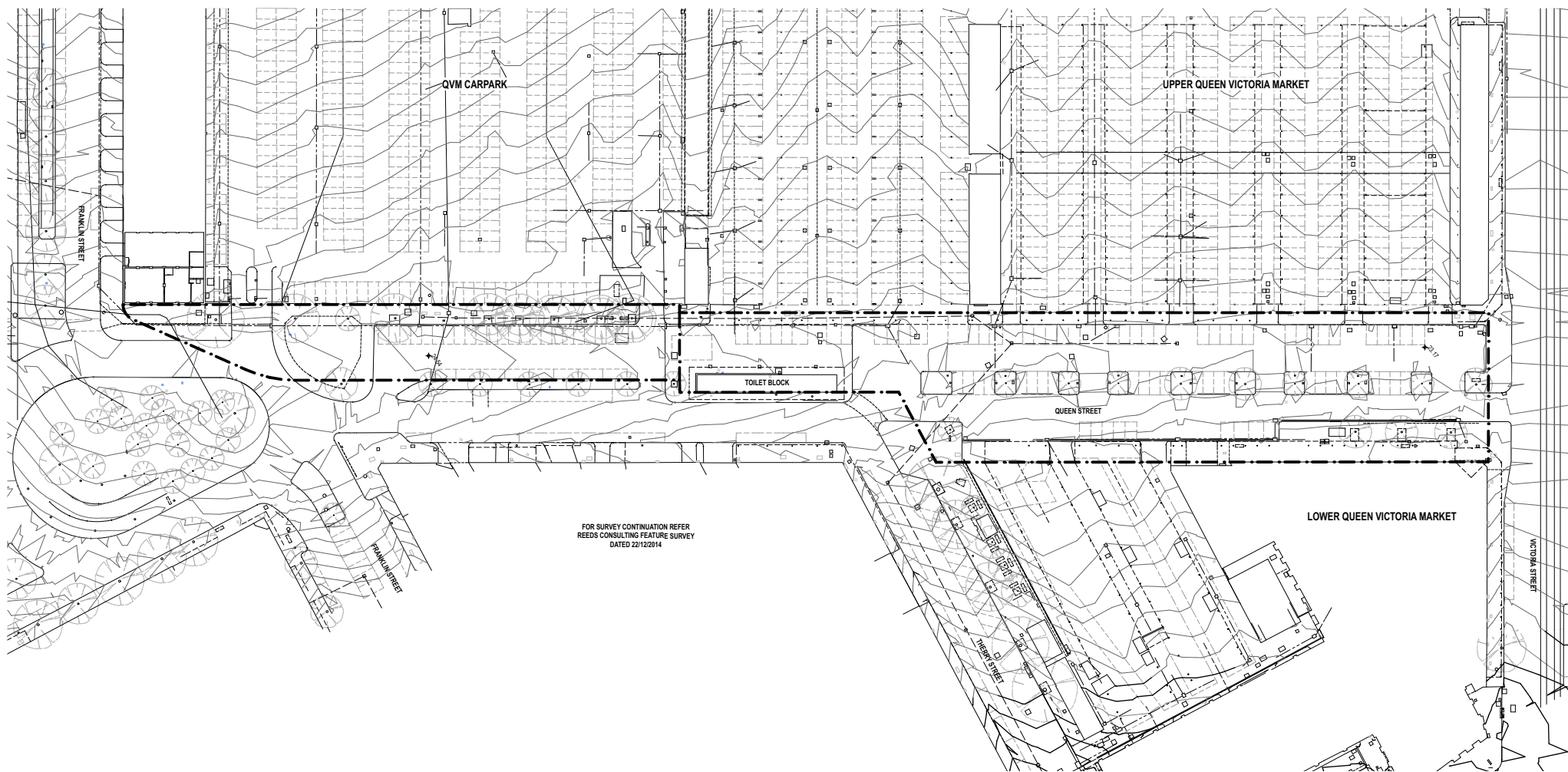
Fruit and vegetable stalls affected by market renewal works (sheds A - D) will be relocated in a flexible and adaptable open trading floor - sheltered, shaded and cooled beneath a high canopy and retained street trees. Visual and pedestrian permeability will be maintained to the lower and operating upper market while also providing functional solutions for events, and trading logistics of loading and unloading. Market Garden presents potential for future business opportunities for the Queen Victoria Market - growing produce in the upper level greenhouse and offering an enhanced trading and customer experience during a time of transition. Upper level access and amphitheater seating will be included at the north end of the pavilion to act as a gathering and event space.

Area Schedule

Ground Level — Open Air Trading Pavilion	3840m²
Back of House/Cool Room	260m²
Level 1 — Greenhouse & Circulation	2250m²

GREENHOUSE

Above the trading floor an enclosed, functioning greenhouse will become both a productive and educational tool - overflowing with crops and aquaponic systems that can be seen, touched and smelled along a productive walkway. Market Garden will prompt conversation around food security and how we obtain, consume and dispose of our food, empowering consumers through knowledge. It will be reflective of the market life cycle, growing and functioning both day and night. Waste reduction is achieved through management and use of composting and dehydration equipment, rainwater collection and reuse. Adopting a proven prefabricated and standardised construction system allows for the construction process to be assembled quickly, minimising the impact of site works on patrons and traders. The material palette is limited and robust, employing light coloured materials to reduce thermal gain, roof glazing and recyclable plastic weather screens (ETFE), minor ground resurfacing, applied graphic treatments, and a porous netted cladding to give form while permitting natural light and air. Taking lead from London, Tokyo and Brooklyn's urban farm models - the pavilion will become a live, thriving, fresh food haven that simultaneously provides relief from heat island effect. Market Garden delivers environmental, financial and social sustainability for the City of Melbourne.



01

EXISTING GROUND FLOOR PLAN (SURVEY)

1:1000

NOTE: SURVEY PROVIDED BY ADSHEAD & McQUIE PTY. LTD.
DATED SEPTEMBER - DECEMBER 2010 & COMPILED WITH LAND
TITLE FOR CONSIDERATION ONLY. TITLE ESTABLISHMENT TO BE
VERIFIED BY A LICENSED LAND SURVEYOR.



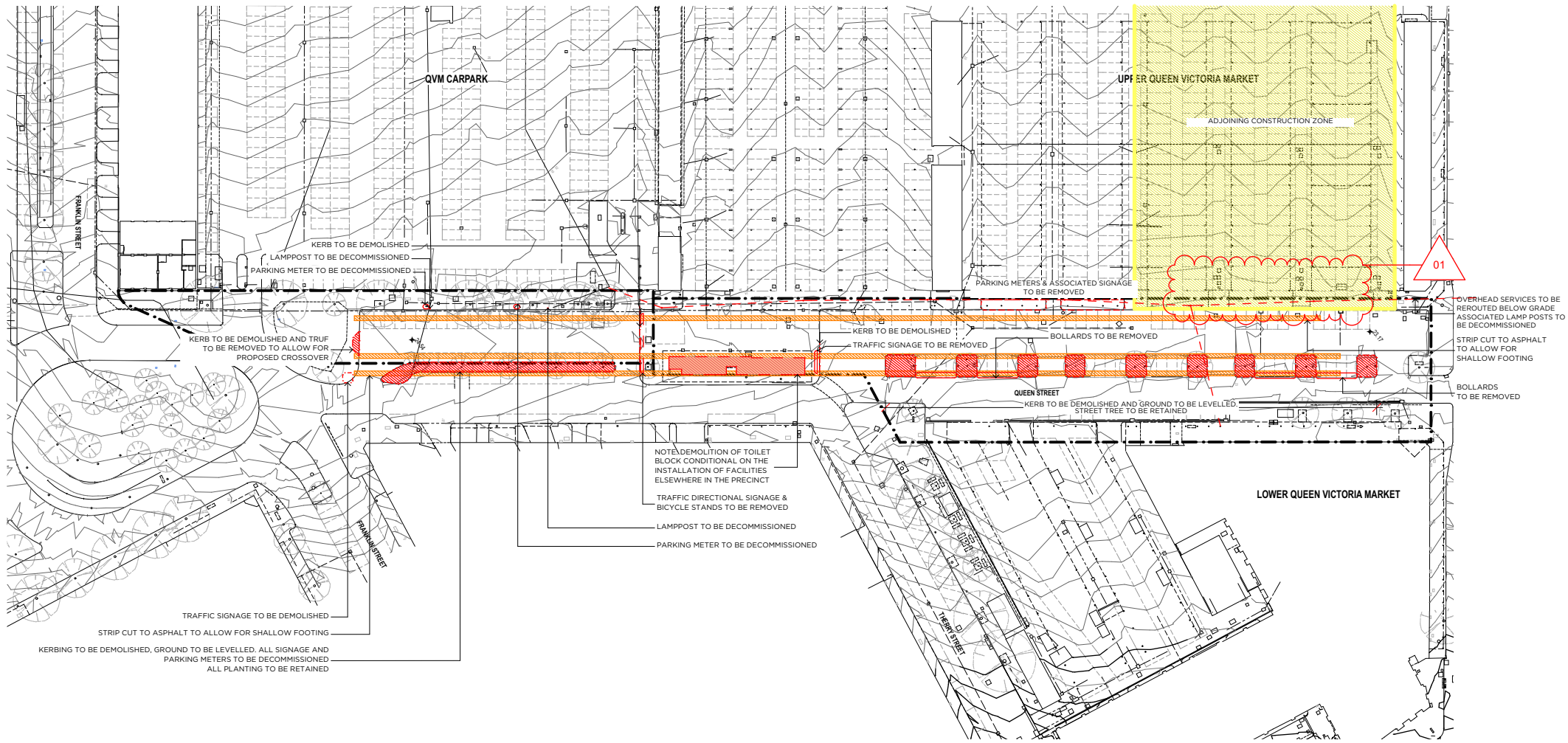
01 Victoria Street Facing South



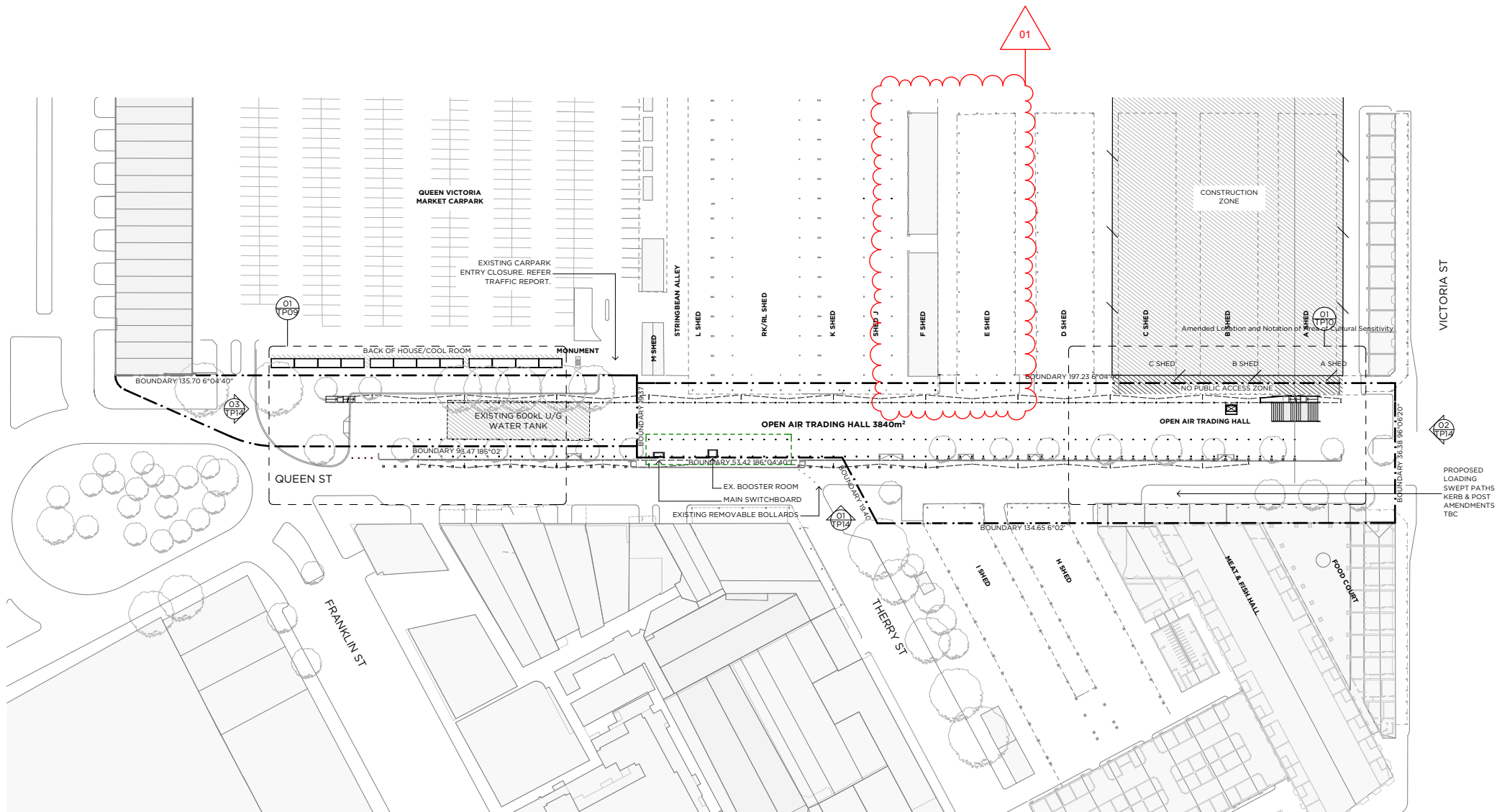
02 Queen Street Facing West



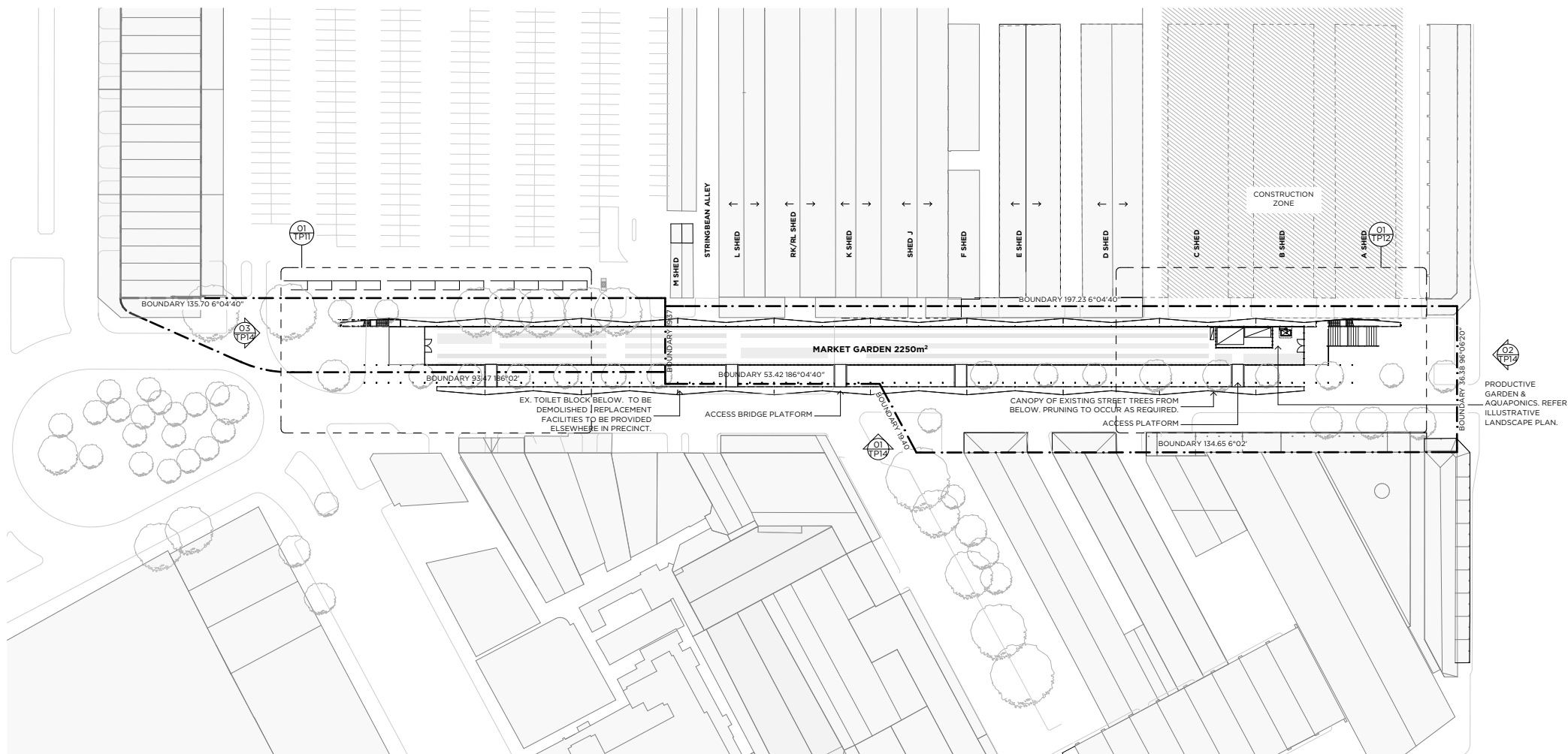
03 Franklin Street Facing North



1 DEMOLITION PLAN
1:1000

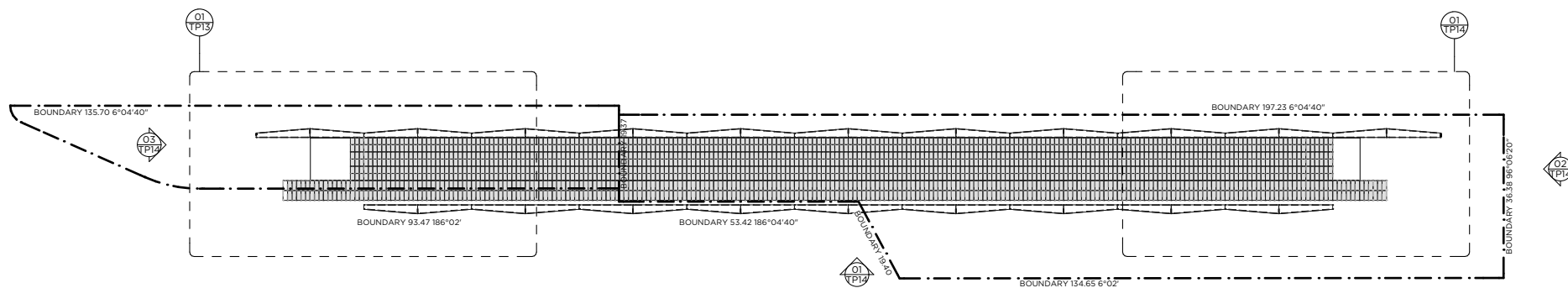


01 GROUND FLOOR PLAN
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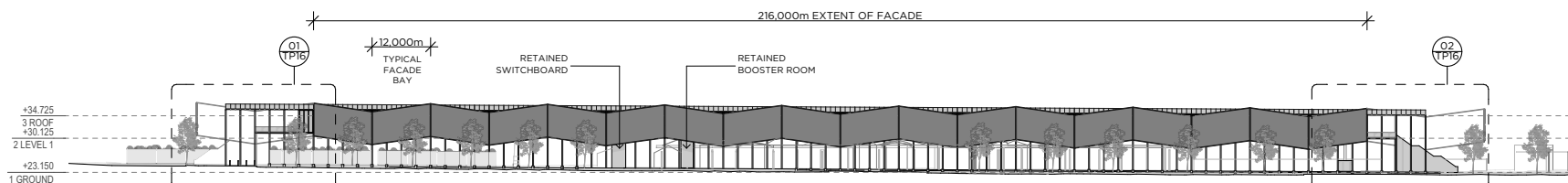


01 LEVEL 1 PLAN
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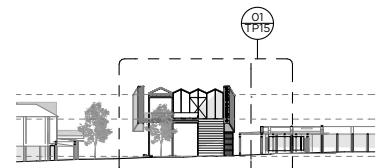
02
PRODUCTIVE GARDEN & AQUAPONICS. REFER ILLUSTRATIVE LANDSCAPE PLAN.



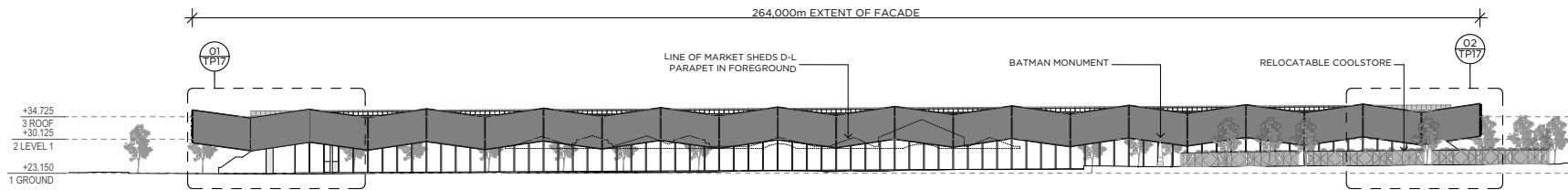
01 ROOF PLAN
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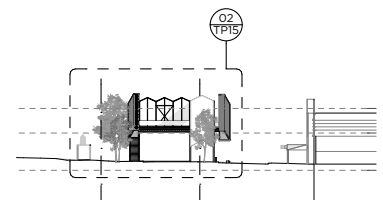
01 EAST ELEVATION (QUEEN ST.)
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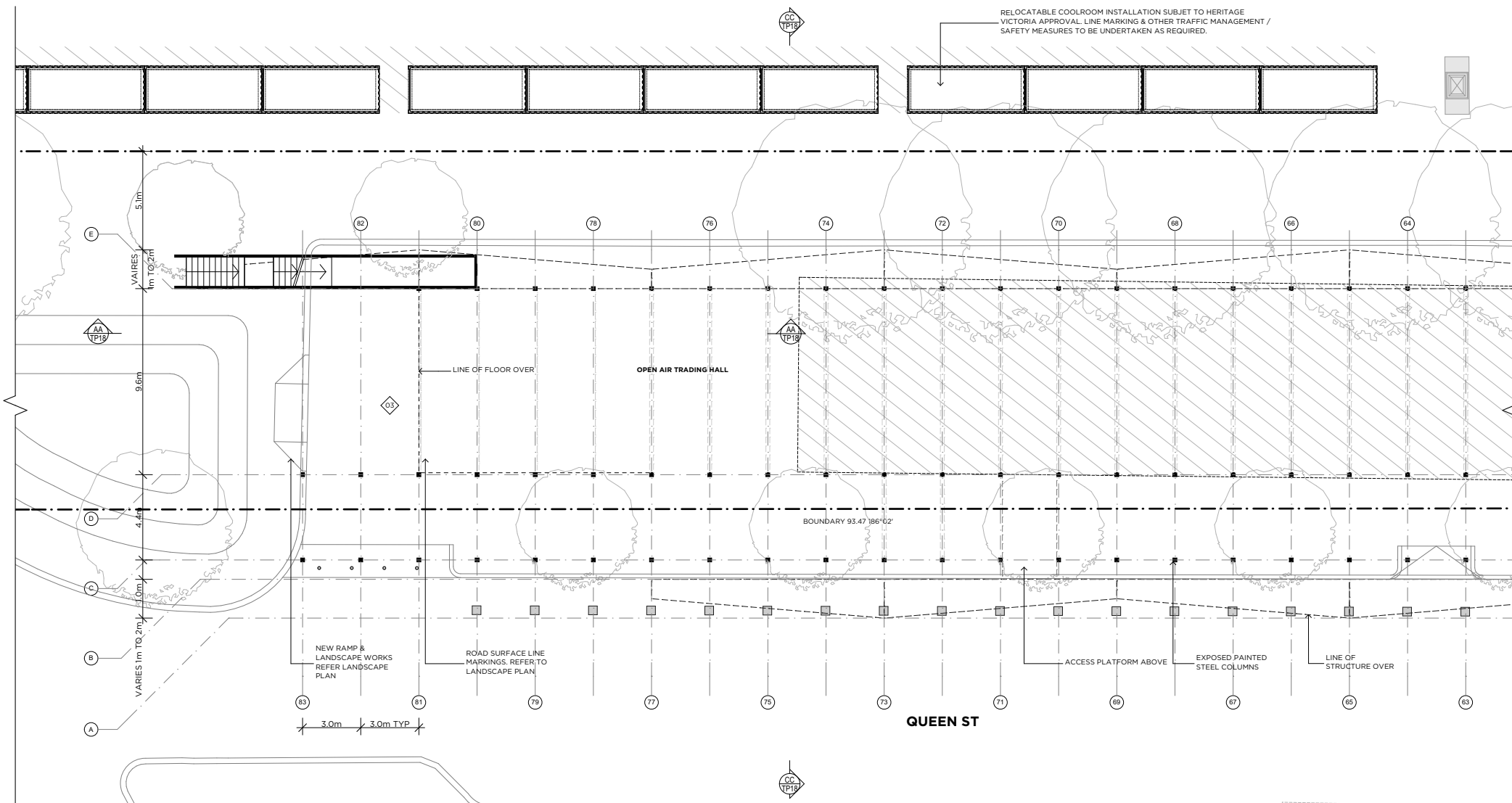
02 NORTH ELEVATION (VICTORIA ST.)
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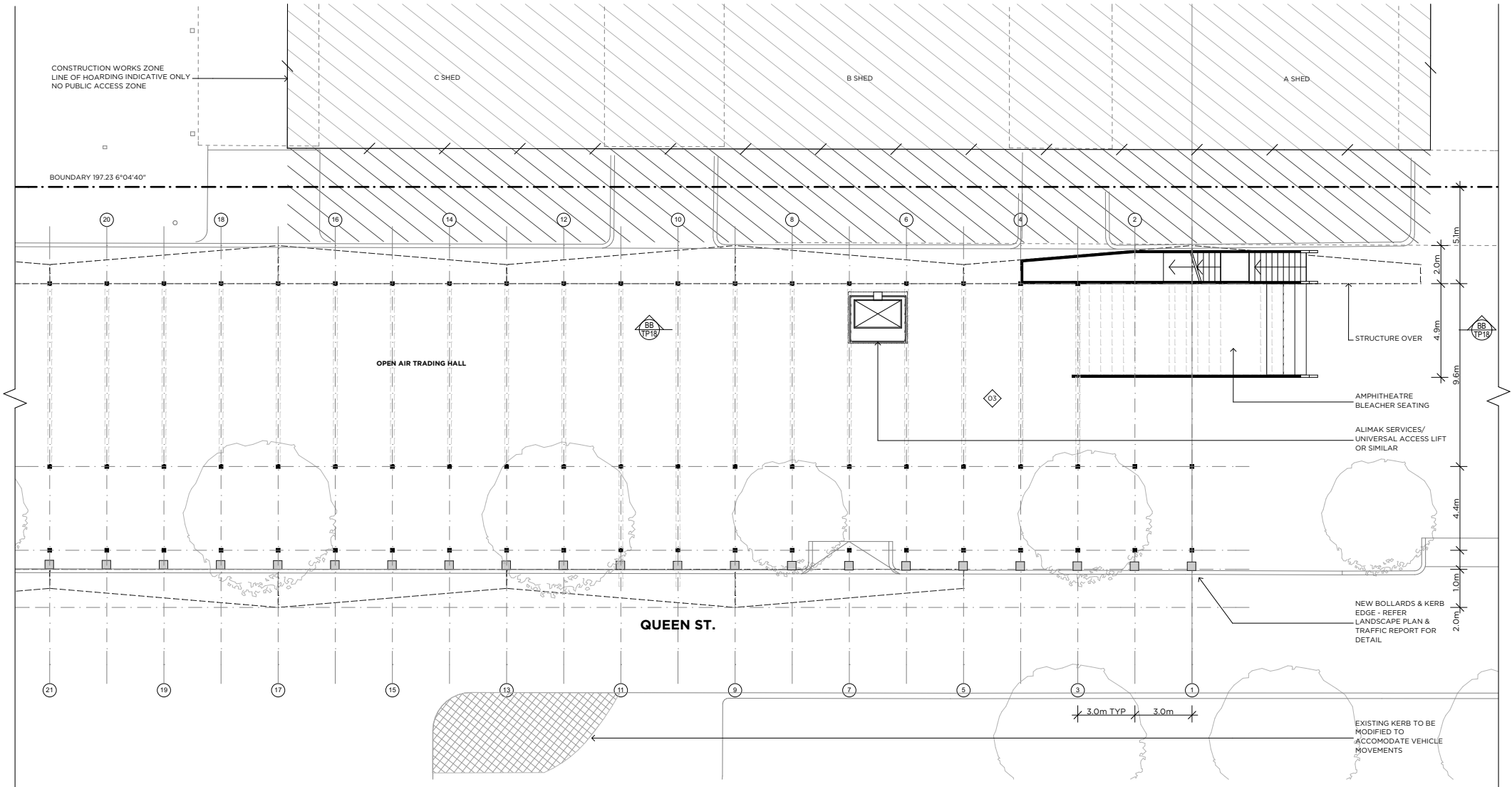
04 WEST ELEVATION
1:1000



03 SOUTH ELEVATION (FRANKLIN ST.)
1:1000



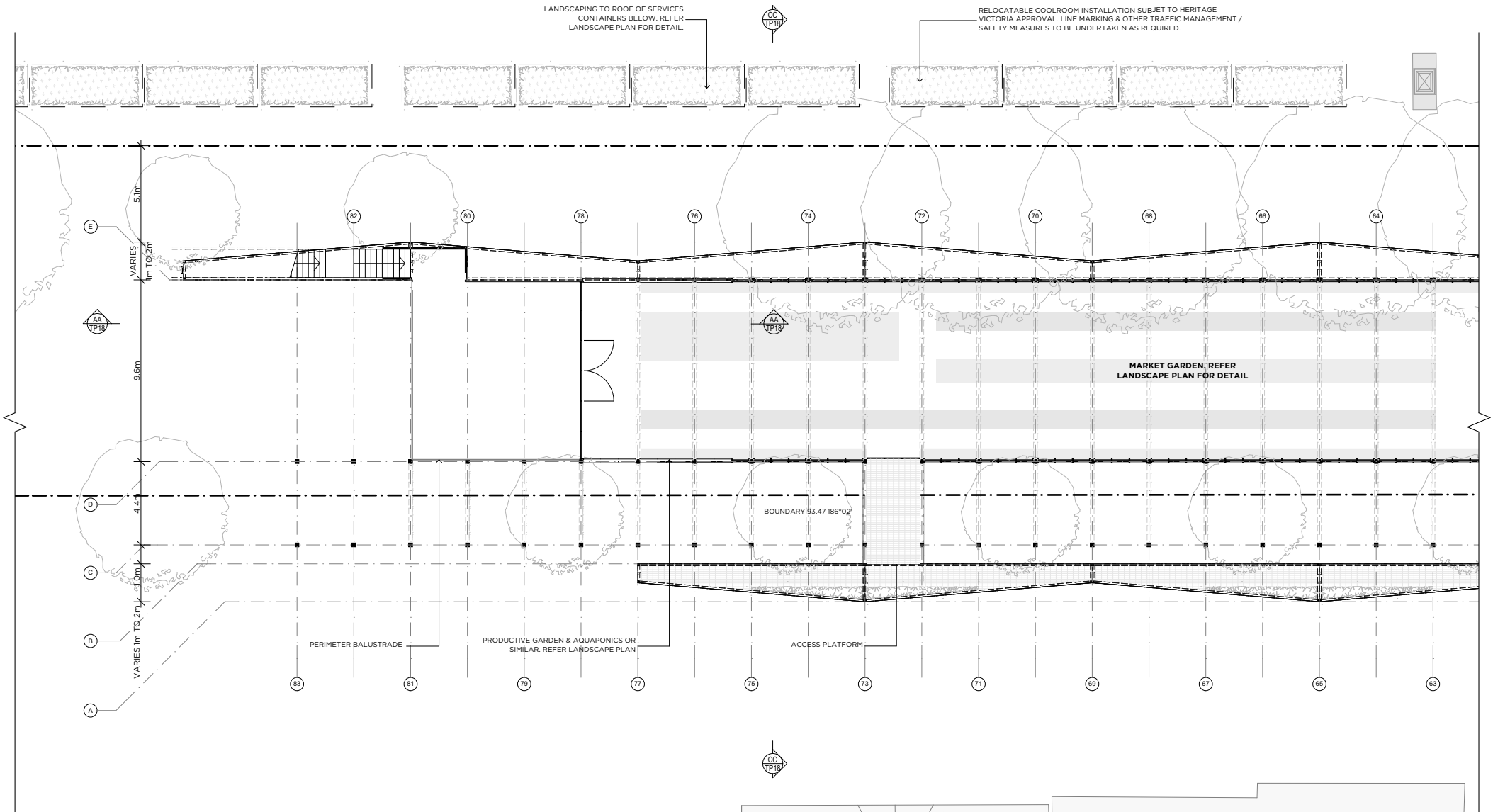
01 DETAILED FLOOR PLAN - SOUTH
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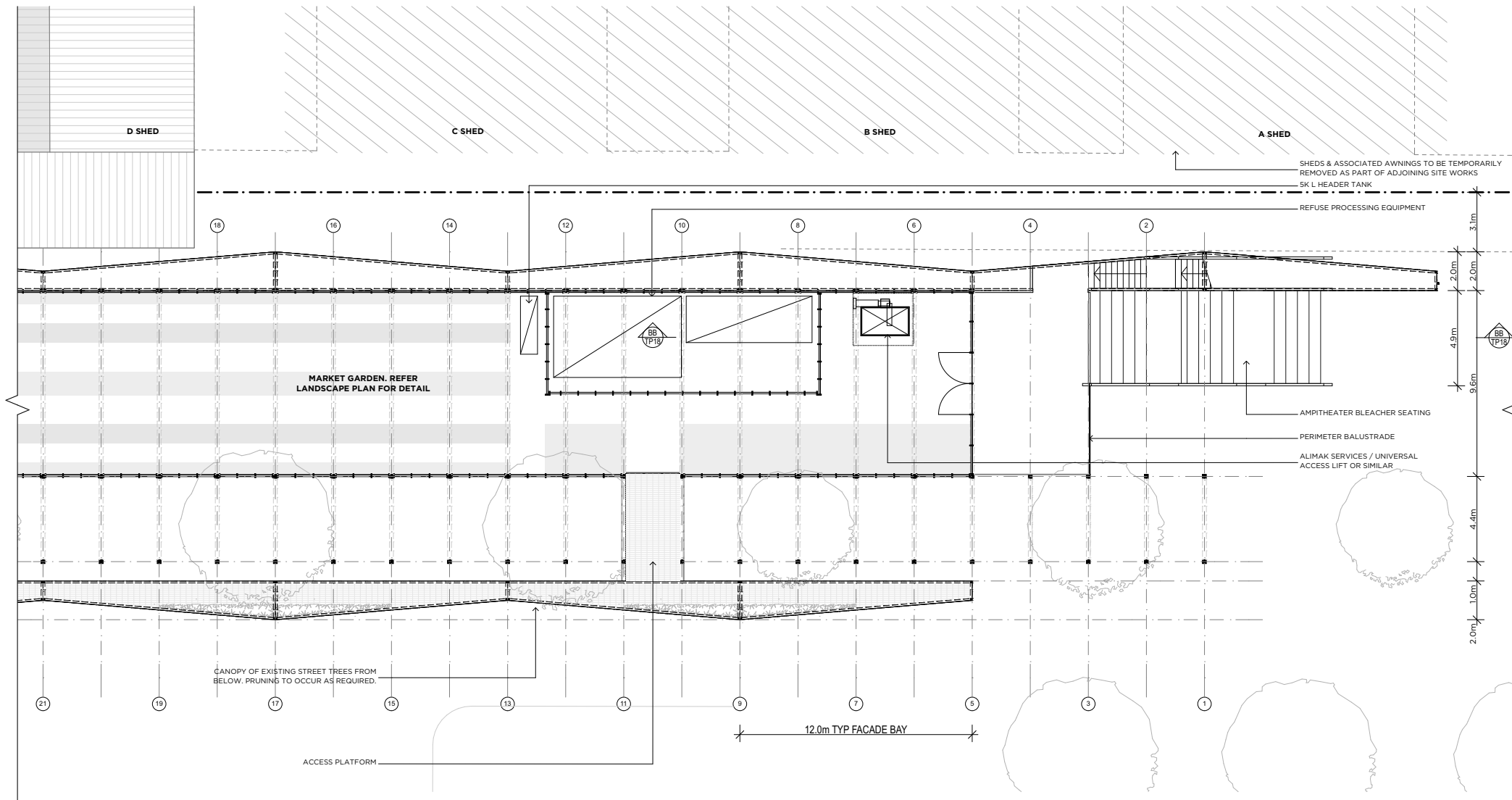
01

DETAILED FLOOR PLAN - SOUTH

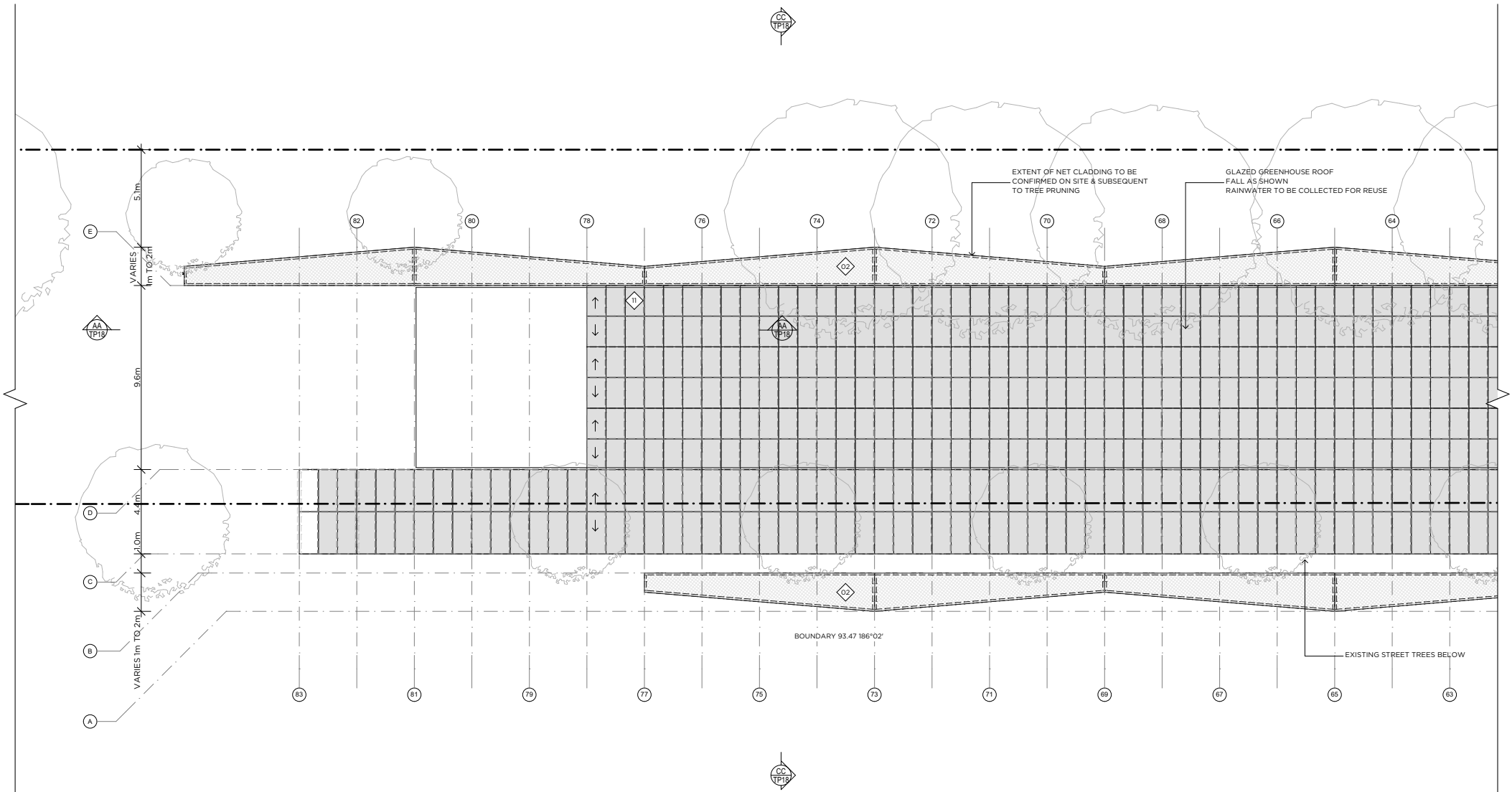
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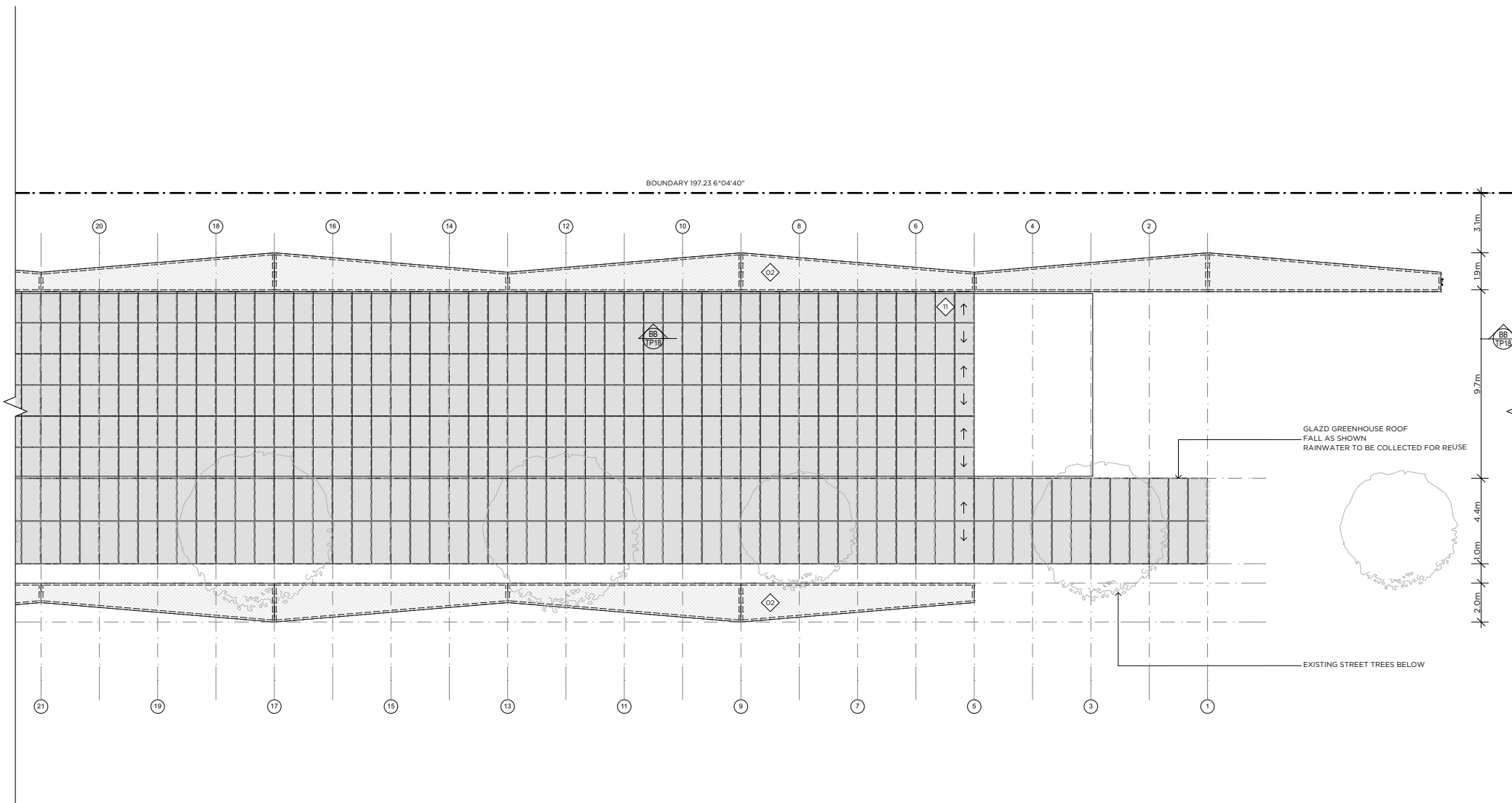
01 DETAILED LEVEL 1 PLAN - SOUTH
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01 DETAILED LEVEL 1 PLAN - SOUTH
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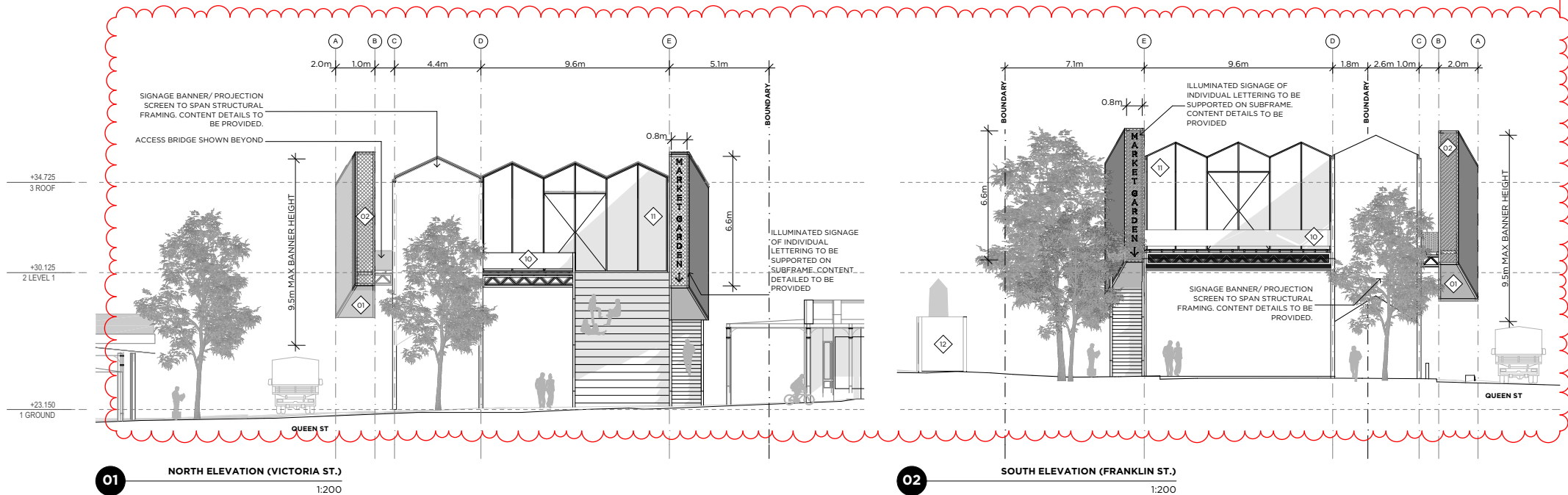
01 DETAILED ROOF PLAN - SOUTH
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01 DETAILED ROOF PLAN - SOUTH
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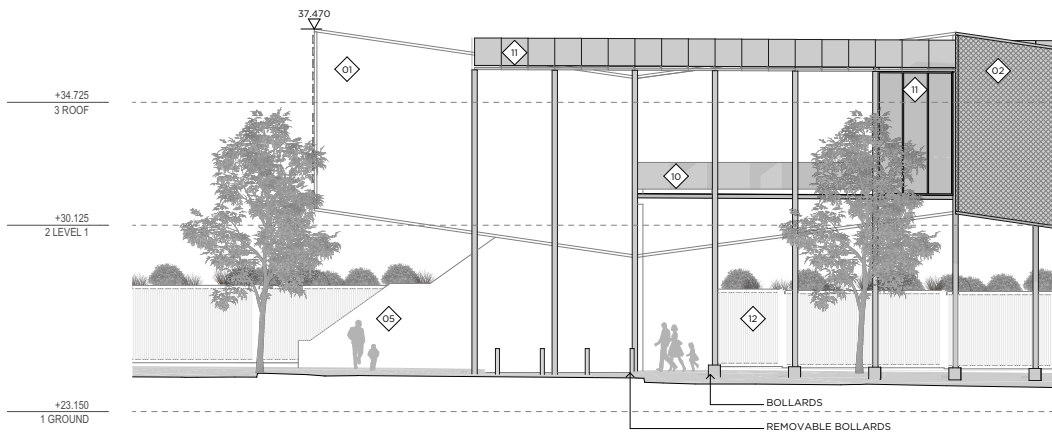
LEGEND

- | | |
|--------------------------------------|----------------------------|
| 01 - ETFE (RECYCLABLE PLASTIC SHEET) | 07 - RAINWATER TANKS |
| 02 - BIRD NETTING | 08 - PRODUCTIVE GARDEN |
| 03 - ASPHALT WITH LINE MARKINGS | 09 - CONCRETE BOLLARDS |
| 04 - WHITE STEEL FRAMING | 10 - WOVEN WIRE MESH |
| 05 - PERFORATED METAL SHEET | 11 - GREENHOUSE GLAZING |
| 06 - EXISTING PLANE TREES | 12 - REFRIDGERATED STORAGE |

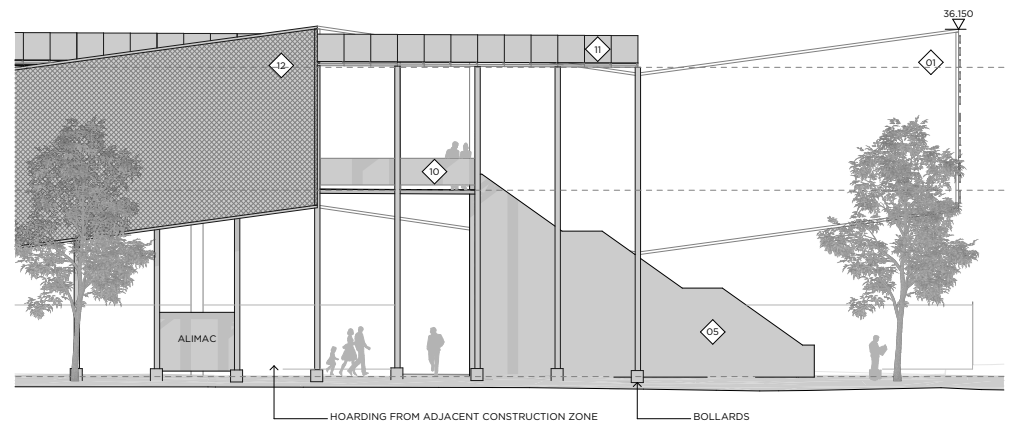


LEGEND

- 01 - ETFE (RECYCLABLE PLASTIC SHEET)
- 02 - BIRD NETTING
- 03 - ASPHALT WITH LINE MARKINGS
- 04 - WHITE STEEL FRAMING
- 05 - PERFORATED METAL SHEET
- 06 - EXISTING PLANE TREES
- 07 - RAINWATER TANKS
- 08 - PRODUCTIVE GARDEN
- 09 - CONCRETE BOLLARDS
- 10 - WOVEN WIRE MESH
- 11 - GREENHOUSE GLAZING
- 12 - REFRIDGERATED STORAGE



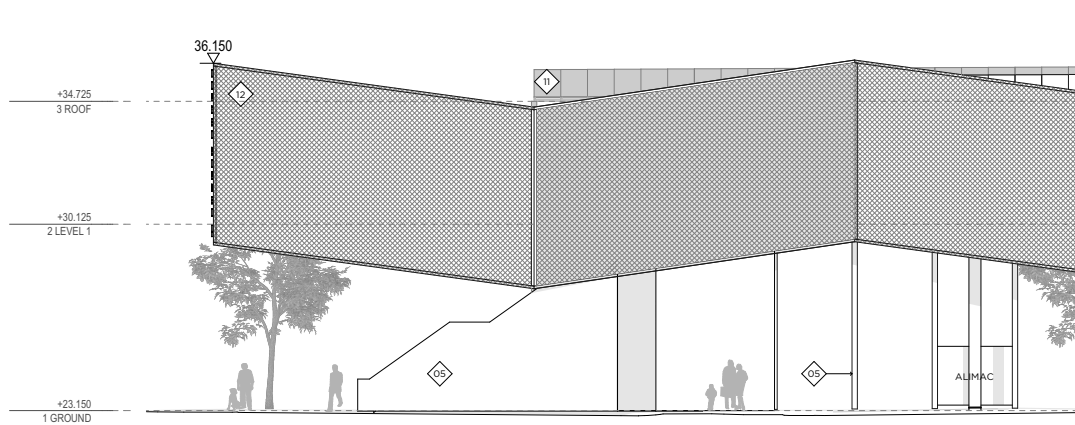
01 DETAILED EAST ELEVATION - SOUTH
 1:200



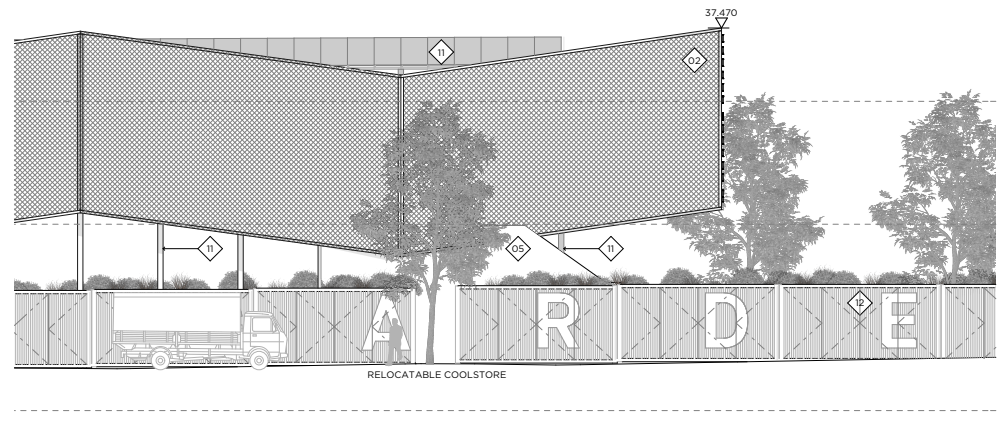
02 DETAILED EAST ELEVATION - NORTH
 1:200

LEGEND

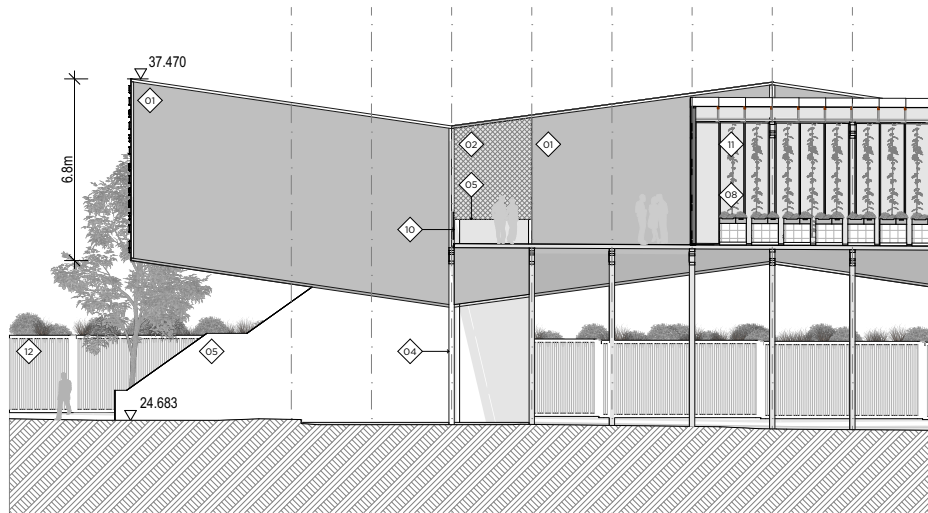
- 01 - ETFE (RECYCLABLE PLASTIC SHEET)
- 02 - BIRD NETTING
- 03 - ASPHALT WITH LINE MARKINGS
- 04 - WHITE STEEL FRAMING
- 05 - PERFORATED METAL SHEET
- 06 - EXISTING PLANE TREES
- 07 - RAINWATER TANKS
- 08 - PRODUCTIVE GARDEN
- 09 - CONCRETE BOLLARDS
- 10 - WOVEN WIRE MESH
- 11 - GREENHOUSE GLAZING
- 12 - REFRIDGERATED STORAGE



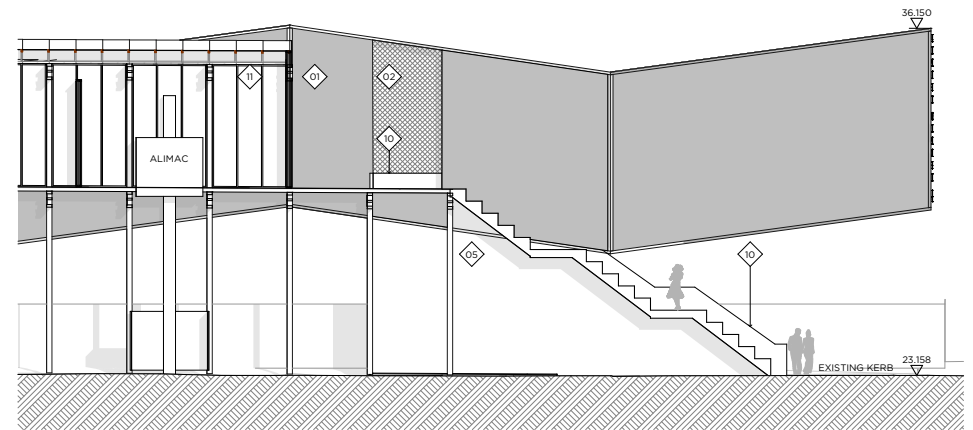
01 DETAILED WEST ELEVATION - NORTH
 1:200



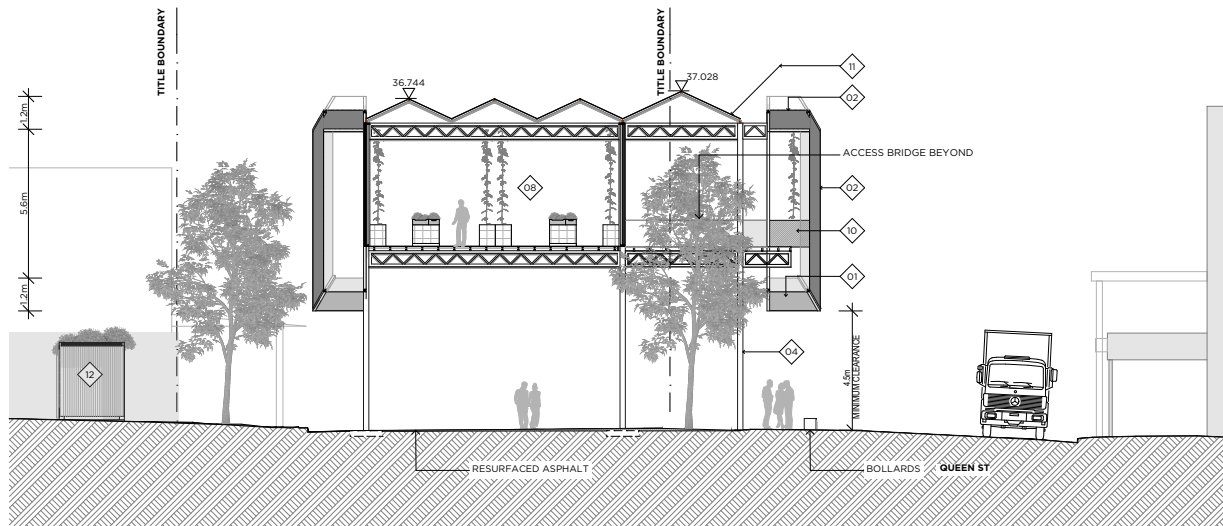
02 DETAILED WEST ELEVATION - SOUTH
 1:200



AA SECTION AA
1:200



BB SECTION BB
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CC SECTION CC
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MARKET GARDEN | MATERIAL PALETTE



01 | EFTE



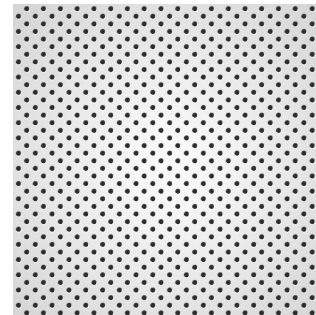
02 | WHITE BIRD NETTING



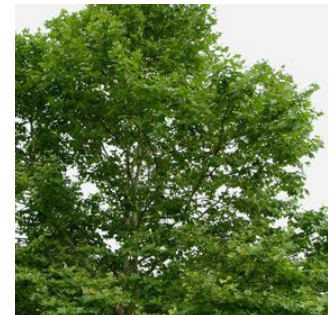
03 | ASPHALT WITH MARKINGS



04 | WHITE STEEL FRAMING



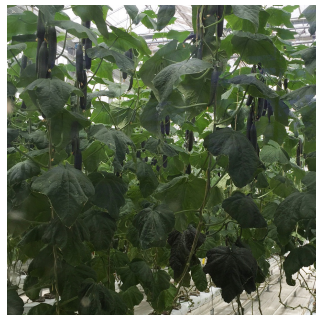
05 | PERFORATED METAL SHEET



06 | EXISTING PLANE TREE



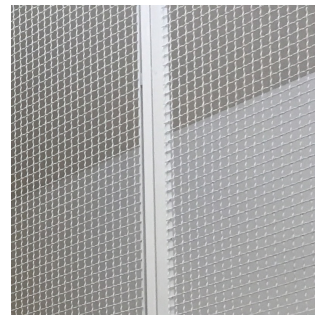
07 | RAINWATER TANK



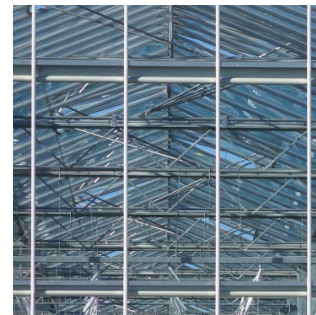
08 | PRODUCTIVE GARDEN



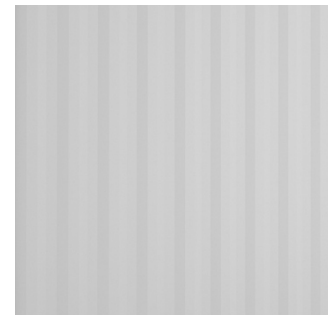
09 | CONCRETE BOLLARDS



10 | WHITE WOVEN WIRE MESH



11 | GLAZING



12 | REFRIGERATED STORAGE



Perspective view of temporary pavillion from Franklin & Queen Street corner

DELEGATED PLANNING APPLICATION REPORT

Application number:	TP-2016-1124
Applicant:	Melbourne City Council
Address:	Queen Street Road Reserve and Queen Victoria Market, 65-159 Victoria Street, MELBOURNE VIC 3000
Proposal:	Demolition and buildings and works for a temporary market, display of internally illuminated advertising signage and a waiver of loading and unloading requirements
Date of application:	21 December 2016
Responsible officer:	Billy Rebakis

1 SUBJECT SITE AND SURROUNDS

An inspection of the site and surrounding area was undertaken in December 2016. The site is located within the Queen Street road reserve and stretches approximately 330m from Franklin Street to the south to Victoria Street to the north. In total the site has an approximate area of 10,000m² with an approximate 2 metre fall from Victoria Street to Franklin Street. The site is currently used as a road, car parking and amenities/toilet block.

To the west is the historic Queen Victoria Market sheds A to M and an open lot car park for the Market. To the north west is the Meat and Fish Hall, Dairy Produce Market and H and I sheds, while to the south west is Therry Street and a number of shop fronts. To the north is Victoria Street and to the south is the Victoria Market Reserve.

There are a number of easements that affect the Queen Street road reserve and a Section 173 agreement on title relating to Cultural Heritage matters.

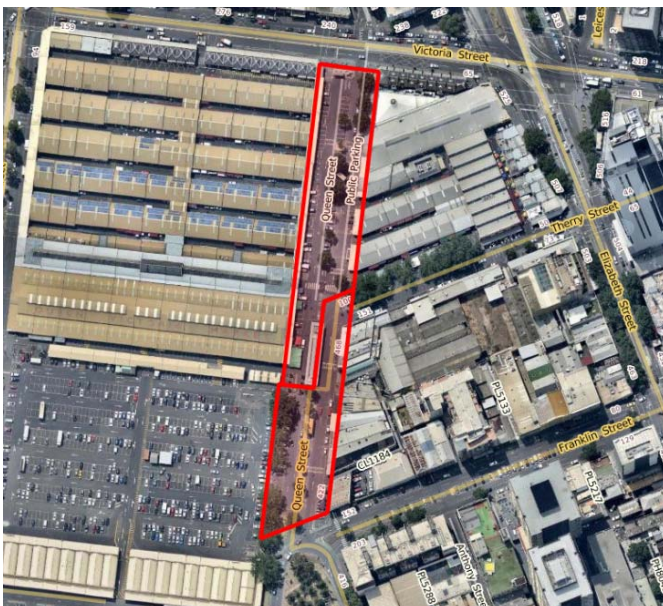
Aerial Photo / Locality Plan

Figure One: Aerial photography of site showing approximate location of proposed works

1.1 Heritage Grading

The *City North Heritage Review* (RBA, 2013) includes a list of gradings of the buildings which make up the Queen Victoria Market. Relevant to this application is the inclusion of the toilet/amenities block which is graded D with a streetscape level of 2 within the review. The review describes the building as follows:

'Red brick, with the original, central section having a plinth and gable roof, now obscured. Windows are four-paned, timber hoppers to both long elevations (east and west) and a timber door survives on the west side. The building has been extended to both the north and south ends and encircling verandah/canopy installed.'



Figure Two: Site and surrounds showing location of proposed works on Queen Street road reserve.

2 BACKGROUND AND HISTORY

2.1 Queen Victoria Market Precinct Renewal (QVMPR) Program

Although this report is limited to considering the planning merits of the proposal, the following information is provided for context:

The City of Melbourne in conjunction with Queen Victoria Market has embarked on the Queen Victoria Market Precinct Renewal (QVMPR). This is a ten year project aimed at rejuvenating the Queen Victoria Market and bringing it up to international standards.

The QVMPR Implementation Framework has been developed which sets out steps over the next five years to deliver the QVMPR. Stage one of this Implementation Framework involves relocating traders in sheds A, B, C and D to a temporary facility while the market's heritage sheds are restored and below ground facilities are created. Fruit and vegetable traders in sheds A and B are proposed to move into the new market pavilion, with general merchandise traders in sheds C and D to be relocated within the existing upper market sheds.

The QVMPR team describe the proposed market pavilion as follows:

The new market pavilion is proposed to:

- be largely open air and in keeping with the heritage of the market
- improve trader and customer amenity through improved weather protection
- give traders better access to facilities such as refrigeration, water, power and storage
- help ensure deliveries are safely and efficiently managed
- be separated from renewal works with minimal disruption from construction vehicles

The QVMPR team undertook two public consultation/information meetings at the subject site in January 2017 prior to public notice of this application being undertaken. These meetings were to inform traders and the public of the proposed greenhouse structure and the QVMPR works in general.

The two events were well attended with approximately 100 people attending per day including traders, local residents and the general public.

2.2 Background

The application was originally submitted on 21 December 2016. Council sent a Request for Further Information (RFI) to the applicant on 10 January 2017.

A response to Council's RFI was submitted on 31 January 2017. No amendments have been submitted during the application process.

2.3 Planning Application History

There have been a number of relatively minor planning applications over the last 30 years relating to the Queen Victoria Market. There are no historic planning applications that are materially relevant to the consideration of this application.

3 PROPOSAL

The architectural plans which have been considered in this assessment have been prepared by Breathe Architecture, dated 19 December 2016 (Revision 00) and 19 January 2017 (Revision 01 – RFI Response). The landscape plans have been prepared by OpenWork, dated 16 December 2016.

3.1 Demolition

It is proposed to demolish the existing Queen Victoria Market amenities/toilet block located on Queen Street. Kerb and channel, directional and traffic signage and bollards on Queen Street are also to be demolished.

3.2 Buildings and works

The proposed works include the construction of a two storey temporary structure with a maximum height of 13 metres and a width of between 10 and 19 metres. The structure is proposed to be in place for a five year period.

As shown in figure two above, the structure extends along Queen Street from Victoria Street to the north through to Franklin Street to the south and measures 216 metres in length. When combined with the stairs at either end the overall length of the structure is 264 metres in total. There is a small portion of the site at the south west corner (to be used as a back of house area) which sits within the existing Queen Victoria Market stores and outside the Queen Street road reserve.

The ground floor is proposed to be 3,840 square metres with an additional 260 square metres (at the south west corner of the site) proposed for the back of house facilities within the existing Queen Victoria Market stores and outside the Queen Street road reserve. Level one is proposed to be 2,250 square metres for gross floor area of 6,350 square metres. Amphitheatre seating steps are proposed on the

northern end of the structure. The existing street trees are proposed to be retained and enclosed within the structure itself.

The proposed building is designed as a lightweight structure with the first floor using a combination of materials including steel columns, translucent plastic and clear glass roofing. The flanking arms comprise of white bird netting and the ground floor surface is asphalt with line painting and seasonal graphics.

The structure is a prefabricated modular system and has the potential to be re-useable when it is relocated at the end of the project. A render of the structure itself can be seen within figure three below.

3.3 Use

The temporary structure is proposed to accommodate a 'market' at ground floor. More specifically, the market component will operate as an open air trading hall on the ground floor, which is also known as the market pavilion.

The ground floor market pavilion is proposed to house existing fruit and vegetable traders being relocated from sheds A and B for a period of five years. These traders will operate on normal market days being Tuesday and Thursday to Sunday each week.

On the first floor is a market garden or 'urban greenhouse' which is ancillary to the market itself. The level one market garden is a covered area to grow plants including fruits and vegetables. This has been defined by the architects as an 'urban greenhouse' and has a working hydroponic system. This 'urban greenhouse' is proposed to be used as an educational resource to promote knowledge of food production for the general public.

3.4 Signage

The proposal includes two internally illuminated business identification signs which will display the words 'Market Garden' in green fluorescent tubing on the bird netting at the northern and southern elevation of the proposal. These two signs will measure approximately 6.6m length x 0.8m width and be situated no higher than the building itself at 13m. This sign can be seen on the right hand side in figure three below.

The 'Merry Christmas' banner signage shown in the render in figure three is considered conceptual only and is not part of this approval.

The application also proposes a third sign on the western elevation which will again display the words 'Market Garden' on the walls of the relocatable cool store. This sign will not be illuminated and measures approximately 9.5m height x 4m width.



Figure Three: Render of the proposed building seen from Victoria Street

4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
Capital City Zone Schedule 1 (Outside The Retail Core)	<p>Pursuant to Clause 37.04-1, no permit is required to use the land as a 'Retail Premises' or 'Market'.</p> <p>A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.</p> <p>Schedule 1 lists no relevant exemptions in this instance. As such a permit is required for the proposed buildings and works.</p> <p>A permit is also required for the proposed signage as there are no exemptions.</p>
Heritage Overlay (HO7 and HO496) (Schedule 7 – Queen Victoria Market Precinct) (Schedule 496 - Queen Victoria Market, 65-159 Victoria St, West Melbourne)	<p>Pursuant to Clause 43.01-1, a permit is required to demolish a building, construct a building and construct or carry out works and display a sign. As such a permit is required for the proposed works within the Queen Street road reserve.</p> <p>The Queen Victoria Market (not including the Queen Street road reserve) is listed on the Victorian Heritage Register – H734. Pursuant to Clause 43.01-2, no planning permit is required to develop a heritage place which is included on the Victorian Heritage Register. As such no permit is required for the cool room and back of house facilities proposed within the existing Market store rooms at the south west corner of the subject site.</p>
Design and Development Overlay Schedule 14 (DDO14) – Queen Victoria Market Area 16 & 19	<p>Pursuant to Clause 43.02-2 a permit is required to construct a building or construct and carry out works, unless a schedule to this overlay specifies otherwise.</p> <p>Pursuant Schedule 14, there are no exemptions from requiring a planning permit. As such a permit is required under this overlay</p>
Parking Overlay	<p>This overlay specifies a maximum car parking rate. As no parking is associated with this particular facility within the market, no permit is</p>

Schedule 1 (PO1)	required under this overlay.
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5 PLANNING SCHEME AMENDMENT C245

Melbourne Planning Scheme Amendment C245 proposes to introduce new planning controls in and around the Queen Victoria Market precinct. At the Council meeting on 26 July 2016, Councillors resolved to adopt Planning Scheme Amendment C245 following the receipt of an independent report from Planning Panels Victoria. The amendment has been forwarded to the Minister for Planning for final assessment and decision. As such the amendment is considered a 'seriously entertained' planning scheme amendment and therefore given due consideration in the assessment of this application.

Of particular relevance to this application, amendment C245 proposes to remove the existing Design and Development Overlay Schedule 14 that covers the entire subject site and apply a Development Plan Overlay over the southern portion of the subject site.

5.1 Development Plan Overlay Schedule 11

As part of amendment C245, Development Plan Overlay Schedule 11 (DPO11) is proposed to be applied to the southern part of the Queen Victoria Market precinct including the Queen Street road reserve – as shown in figure four below.

Figure five details the proposed built form controls within the DPO11. Of the four development parcels identified in the map, the subject site encompasses all of parcel C and a small portion of parcel D.

This map and the proposed written controls within the amendment show parcel C as having a preferred maximum building height of 7m and a mandatory maximum height of 13m. Parcel D is shown as having the potential for a tower form with a discretionary maximum height of 100m with podium heights stipulated at between 20m and 40m in height.

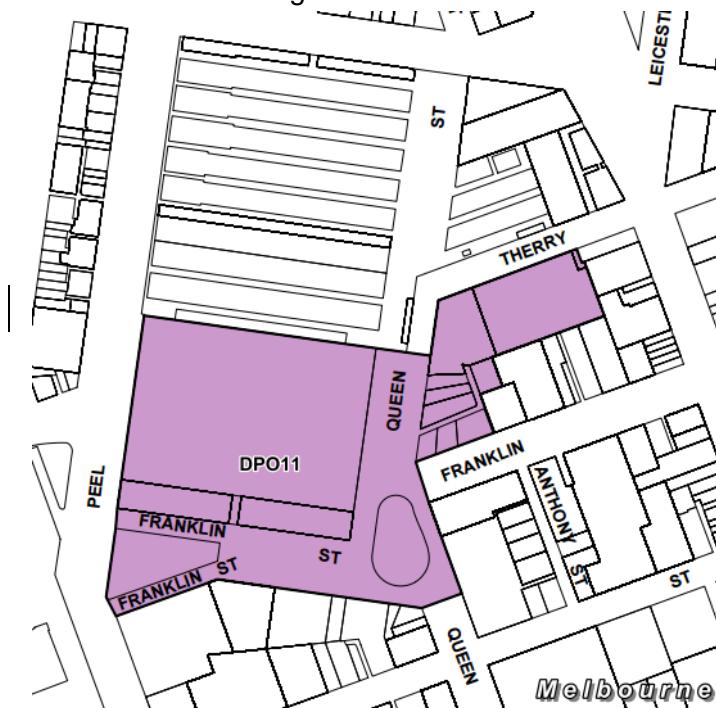


Figure Four: Proposed Development Plan Overlay Schedule 11 (DPO11) affecting the southern portion of the Queen Victoria Market precinct.

FIGURE 1: QUEEN VICTORIA MARKET PRECINCT FRAMEWORK PLAN 2016

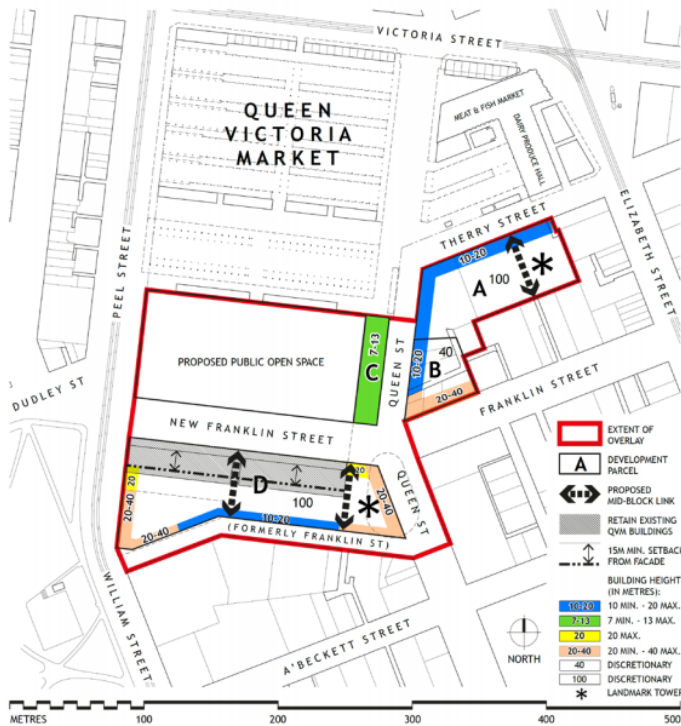


Figure Five: Proposed built form controls within the DPO11 with development parcels C and D affecting the subject site.

The Development Plan Overlay at Clause 43.04 states that:

‘A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority. This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.’

The proposed DPO11 states:

‘A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the Responsible Authority provided the Responsible Authority is satisfied that the grant of a permit will not prejudice the future use or development of the land in an integrated manner.’

This is discussed further within the assessment section of this report at 14.1.1

5.2 Proposed Public Use Zone 7

As part of the exhibited version of amendment C245, the northern section of Queen Street and the Queen Victoria Market itself is proposed to be rezoned from Capital City Zone Schedule 1 to Public Use Zone Schedule 7 (PUZ7).

This rezoning was not supported by the Planning Panel. The City of Melbourne at its Council meeting on 26 July 2016 resolved to adopt amendment C245 as per the resolution which included that the Council rejects the Panel’s recommendation in relation to the rezoning and continues to pursue rezoning of the land to PUZ7.

6 STRATEGIC FRAMEWORK

6.1 State Planning Policy Framework (SPPF)

The relevant provisions of the SPPF are listed as follows:

- Clause 11.03 Activity centres
- Clause 11.06-1 Jobs and investment

- Clause 11.06-4 Place and identity
- Clause 11.06-5 Neighbourhoods
- Clause 15.01 Urban environment
- Clause 15.02 Sustainable development
- Clause 15.03 Heritage
- Clause 17.01-1 Business
- Clause 17.03 Tourism

6.2 Local Planning Policy Framework (LPPF)

6.2.1 Municipal Strategic Statement (MSS)

The relevant provisions of the MSS are listed as follows:

- Clause 21.03 Vision
- Clause 21.06 Built Environment and Heritage
- Clause 21.08-1 Retail
- Clause 21.08-2 Business
- Clause 21.12 Hoddle Grid

6.2.2 Local Policies

The relevant local policies are summarised as follows:

- Clause 22.01 Urban Design within the Capital City Zone.
- Clause 22.04 Heritage Places within the Capital City Zone
- Clause 22.07 Advertising Signs
- Clause 22.19 Energy, Water and Waste Efficiency
- Clause 22.23 Stormwater Management (Water Sensitive Urban Design)

7 ZONE

The subject site is located within the Capital City Zone Schedule 1

The purpose of this zone is:

- To provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality.

8 OVERLAY(S)

The subject site is affected by the following overlays:

8.1 Heritage Overlay

The subject site is covered by Heritage Overlay Schedule 7 (HO7) Queen Victoria Market Precinct which (as identified in figure six below) affects the Queen Street road reserve.

The purpose of this overlay includes:

- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

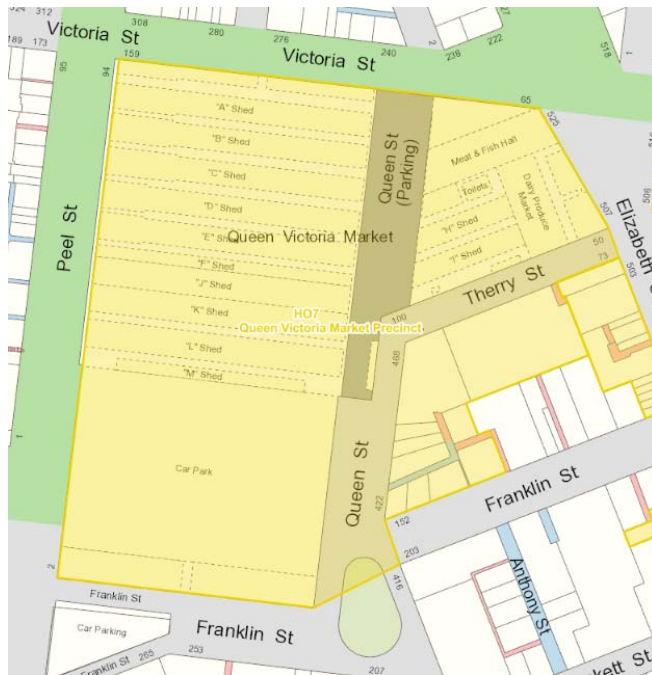


Figure Six: Queen Victoria Market

Precinct HO7 covering the Queen Street road reserve.

8.2 Design and Development Overlay Schedule 14

As seen in figure seven below, the site sits within the existing Design and Development Overlay Schedule 14 (DDO14) - Queen Victoria Market. Although this overlay is proposed to be removed over the subject site as part of amendment C245, its application is still relevant to the assessment of this application as it is a current planning control affecting the subject site.

Schedule 14 has the following design objectives:

- To ensure that any development within the Queen Victoria Market is consistent with its Victorian character and low-scale.
- To ensure that development around the Market edges and within close proximity to the Market provides an appropriate scale transition from the low scale Market buildings towards the medium and high rise towers in the Central Business District.
- To ensure that any development in close proximity to the Queen Victoria Market is compatible with the scale and character of the Market, surrounding residential developments and adjacent precincts.

As per figure seven below, the majority of the subject site sits within Area 16 of DDO14 with a small section to the south in Area 19.

DDO14 Area 16

This area lists a discretionary maximum building height of 7 metres with the built form outcome to met listed as:

‘Development maintains the consistency of scale and built form of the historic Queen Victoria Market.’

DDO14 Area 19

This area lists a discretionary maximum building height of 30 metres with the built form outcome to met listed as:

‘The scale of development provides an appropriate interface from the low scale built form of the Queen Victoria Market towards the medium and high rise towers of the Central Business District.’



Figure Seven: Existing DDO14 covering the site noting the majority of the site falls within Area 17 with a small section to the south within Area 19.

8.3 Parking Overlay Schedule 1

The Parking objective to be met is: 'To identify appropriate car parking rates for various uses within the Capital City Zone'

Schedule 1 lists a maximum parking rate for the area. However, as this application does not propose any additional car parking this overlay is not a permit trigger and is not considered relevant to this application.

9 PARTICULAR PROVISIONS

- Clause 52.05 Advertising Signs
- Clause 52.07 Loading and Unloading of Vehicles
- Clause 52.36 Integrated Public Transport Planning

10 GENERAL PROVISIONS

The following general provisions apply to the application:

- Clause 65, Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.
- Clause 66.03, Referral of permit applications under other State standard provisions.
- Clause 67, Applications under Section 96 of *The Act*.

Pursuant to Section 96 of the *Planning and Environment Act 1987 (The Act)*, 'a responsible authority must obtain a permit from the Minister before carrying out any use or development for which a permit is required under the planning scheme for which it is the responsible authority unless the planning scheme gives an exemption.

Clause 67.01 provides an exemption from the provisions of Section 96(1) and 96(2) of *The Act* for use of the land as a Class 1 use (retail premises). Clause 67 also provides an exemption for demolition of a building and construction and carry out works associated with a Class 1 use (retail premises). As such the application is

exempt from Sections 96(1) and 96(2) of *The Act* and can be considered by the Council as the Responsible Authority.

11 PUBLIC NOTIFICATION

Pursuant to Clause 37.04 and clause 43.02, the application is exempt from third party notice and appeal provisions of *the Planning and Environment Act 1987*.

Pursuant to Clause 43.01, the application is not exempt from third party notice and appeal rights and it was determined that the proposal may result in material detriment.

Pursuant to Clause 67.02, in accordance with Section 52(1)(c) of the Act, notice must be given to the owners and occupiers of adjoining land.

As such notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties, by placing an advertisement in *The Age* newspaper on 09 Feb 2017 and by posting three notices on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

12 OBJECTIONS

A total of 31 objections were received, and raised the following concerns with the proposal (summarised):

- Opposition to overall QVMPR project
- Premature application and no permits for market redevelopment
- Cost/commercial considerations
- Permanent vs temporary nature of greenhouse facility
- Design and heritage considerations
- Impact on existing traders
- Lack of transparency
- Cultural heritage
- Removal of toilets
- No Development Plan
- Parking
- Use of market as event space
- Pollen from existing Plane Trees

Note: Of the 31 objections, 19 were identical. However, all issues raised in all objections will be given due consideration in the assessment of this application.

13 REFERRALS

13.1 Internal

The application was referred internally to the following departments:

13.1.1 Heritage

Demolition of the existing toilet block is supported. This structure has no heritage significance.

Amendment C245 would affect height controls within and adjoining the Queen Victoria Market Reserve. Until C245 is determined, the proposed temporary building is within DDO14, partly Area 19 where a maximum height of 30 metres applies and partly in Area 16 where the maximum height is 7 metres.

The proposal is for a structure which would run the full length of the Market Reserves along the alignment of Queen Street. The proposed structure would be substantially taller than the existing market sheds and footpath verandahs and would be set very close to the existing sheds located to the west of Queen Street. The proposed height exceeds the 7 metre Maximum building height within Area 16 and does not satisfy the Built Form outcomes for either Area.

Were this application to be for a permanent structure, the proposal would be inappropriate. It is set too close to the existing low scale buildings and is more prominent than the heritage structures. The proposed structure contains components (the market garden) which are unrelated to the continuation of the Market function, and contribute to the height of the structure. Moreover, the very long and tall structure set very close to the sheds would remove the open context for the sheds, an aspect which contributes to the enhancement of the heritage place and to an understanding of significance.

However, this is a proposal for a temporary structure. Subject to the following matters, the temporary structure may be appropriate:

1. Compliance with height controls which are relevant at the time the temporary permit is issued.
2. A condition which prevents extension to the nominated 5 year period.
3. Assessment of the archaeological potential for areas proposed to be excavated.
4. A condition which prevents advertising on the structure. The proposed car parking sign which rises well above the height of the temporary structure is not supported.
5. Confirmation that the existing bluestone kerbs and gutters to the north side of Queen Street are not impacted by the development.

13.1.2 Urban Design

We refer to the proposed drawings by Breathe Architecture (Development Planning date stamped 21 December 2016).

We understand the proposal comprises a temporary pre-fabricated greenhouse structure comprising ground floor market space, and an upper level deck with planters and waste management system.

We provide the following comments:

- We note that Amendment C245 is current with the minister awaiting approval and accordingly is considered a seriously entertained planning control.
- DDO14A16 applies to the site, with a discretionary 7m height limit intending to 'maintain the consistency of scale and built form of the historic Queen Victoria Market. Given the seriously entertained status of C245 and emerging QVM masterplan, it is considered that a proposed temporary structure which exceeds this height is entirely appropriate.
- Further to the above, the proposed structure is architecturally lightweight with a skeletal steel structure and translucent roofing, and allows for clear views through to the historic sheds of the Market, rather than dominating the place through volume or bulk. Accordingly the performance test within DDO14A16 is met.
- The proposed architectural strategy employing a 'ready made' green house structure with appended repeating chevron steel and mesh structure with open portal entries to either end is of a high quality, and offers an exciting opportunity to complement the repeating shed profile of adjacent historic structures in a clear contemporary manner.
- Despite the considerable length of the structure along Queen Street (some 200m) the rhythmic steel structure to the side of the green house provides for

transparency and interest, with views through to the activity within. Further, the repeating fine columns will result in a 'forest' like spatial experience, rather than a barrier.

- The construction lift structure employed for first floor access is well designed to ensure minimum visual obstruction through the open hall space.
- The integration of succulent based extensive green roofing atop of the cool sheds is strongly supported.
- The retention of all street trees adjacent to and within the structure is strongly supported. The 'framing' of the trees within the taller double height section of the green house will encourage public appreciation and engagement with trees in a manner which rarely occurs in an urban setting. Further, the void allows for opportunities for views down from the greenhouse to the adjacent ground plane. Regarding specific details of lopping and pruning trees, we defer to Urban Forest Team for further comments.

We acknowledge the design detail will continue to evolve, however we are supportive of the broad strategies evident in the architectural and landscape architectural concept to date. The scheme represents an exciting re-interpretation of a market structure, which integrates a holistic approach to environmental sustainability both through the demountable utilitarian structure in addition to the programme. As a first stage of the QVM development, the proposal offers an opportunity to set a high level urban and environmental design benchmark for the precinct.

13.1.3 Traffic Engineering

The proposed works will include the following:

- Closure of the Queen Street service road between Franklin Street and Therry Street, including the existing at-grade car park entry;
- Removal of the indented bus parking area on the western side of Queen Street between Franklin Street and Therry Street;
- Construction of a two storey pavilion on Queen Street between Franklin Street and Victoria Street;
- Modification to Queen Street to provide one northbound lane only between Franklin Street and Victoria Street; and
- Alterations to the southern at-grade car park to replace some parking with temporary cool rooms.

A traffic engineering assessment report has been prepared by Ratio Consultants dated 16 February 2017 to accompany the submission.

The Ratio Consultants report recommends that the location of the boom gates off the Franklin Street entrance be relocated a further 22 metres into the carpark. Engineering Services considers that this would be an acceptable outcome in terms of queueing and offers no objection to the new carpark layout, however it is suggested that the car park be monitored once works are completed.

The proposed works to Queen Street will retain northbound vehicle movements between Franklin Street, Therry Street and Victoria Street. The removal of the western northbound traffic lane on Queen Street, between Victoria Street and Therry Street, will remove the circulating traffic in this area which is considered to improve safety for pedestrians in this area.

Recommended conditions

It is recommended that more detailed plans be prepared which demonstrate the proposed future layout of Queen Street and detail any proposed vehicle access to the west. It is also recommended that a swept path review be undertaken where vehicle access is required.

Loading

- Location of loading areas for the market stalls within the new pavilion;
- Details of transport between the proposed loading areas and the pavilion market stalls;
- Specific vehicle movement requirements to these areas (trucks, forklifts etc.) and including swept paths

Franklin Street access

- It is suggested that the car park be monitored once works are completed. If queues exceed the estimates given above then it is requested that further modifications to reduce delays be undertaken.

13.1.4 Land Survey

Please find attached a copy of the title for the land for the northern portion of the proposed glass house, the portion to the south is Government Road.

For the portion to the south you may wish to include a condition as follows:

‘Prior to the commencement of works excluding demolition the road must be temporarily closed to traffic.’

It would be best to discuss with the project team to ensure that this can be met based on the timeframe for the project.

13.1.5 Civil Engineering

Tenure Issues

The proposed development includes construction over a portion of road known by the City of Melbourne as Queen Street West side between Franklin Street and QVM “M” Shed which is a government road. Prior to commencement of any works on site the portion of road to be built on should be formally closed for traffic.

COMMENTS

Pursuant to the *Road Management Act 2004* (the Act) any works within the road reserve of Victoria Street, an arterial road, requires the written consent of VicRoads, the Coordinating Road Authority. Footpaths, nature strips and medians of such roads fall under the City of Melbourne’s control although the Act specifically states that the Coordinating Road Authority gives conditions for works on these roads and the “road” is the reserve from building line to building line. Subsequently our conditions for non-road works on footpaths, nature strips and medians of arterial roads are listed below.

The proposed shed is next to/within an existing street tree in the road reserve. This matter should be referred to the Manager Urban Landscapes for comment.

Any new line markings on public roads must be referred to Traffic Engineering for comment.

Civil engineering also requested a standard list of conditions which will be added to any approval.

13.1.6 Waste Engineering

We have reviewed the WMP submitted for this development by Ratio dated 16th Dec 2016 and found it to be acceptable.

Waste Condition:

The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Ratio dated 16th Dec 2016. The submitted WMP must not be altered without prior consent of the City of Melbourne – Engineering Services.

13.1.7 Urban Landscapes

In relation to the QVM Temporary Pavilion there is a degree of concern that the proposal requires pruning of 13 of the 28 affected trees, with significant levels of canopy pruning identified as being required to seven trees (Tree No's. 6, 7, 9, 10, 23, 24 and 23). The design of the structure may need to be modified to accommodate the trees or it may be more appropriate that selective removal and replacement is a better option.

It is our understanding that no changes have been provided by the Project Arborist or Project Team in relation to the effects on public tree assets. In view of this, I recommend a number of conditions be added to any approval to manage impacts to the street trees during the construction phase and the life of the project.

13.2 External

13.2.1 Public Transport Victoria

Pursuant to Clause 52.36 (Integrated Public Transport Planning), the application was required to be referred to Public Transport Victoria as it proposes a new retail premises of 4000 or more square metres of leasable floor area.

Public Transport Victoria responded with a formal Section 55 referral response as follows:

Public Transport Victoria, pursuant to Section 56(1) of the *Planning and Environment Act 1987* **does not object** to the grant of a planning permit subject to the following conditions:

1. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Franklin Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

Although Victoria Street is designated as a Road Zone Category 1, there is no alteration to access proposed via this arterial road and no referral trigger under Clause 52.29 (Alteration to access to a Road Zone Category One). VicRoads have been notified of the project through the traffic and civil engineering process and have no objections.

14 ASSESSMENT

This application seeks approval for demolition works and buildings and works to construct a temporary market facility in the Queen Street road reserve at the Queen Victoria Market. The key issues for consideration in the assessment of this application are:

- Land use
- Built form
- Heritage
- Loading, traffic and car parking
- Street trees
- Advertising signs
- Environmentally Sustainable Design (inc. WMP)

14.1 Land Use

The use of the ground floor as a 'market' falls within the land use nesting of a 'retail premises', which is a Section 1 use within the Capital City Zone Schedule 1 (CCZ1). As such the use does not require a planning permit.

The use of level one of the building as an 'urban greenhouse' or 'market garden' is a smaller component of the use, proposed at 2,250 square metres out of a total of 6,350 square metres for the whole building. While fruits and vegetables will be grown within an irrigated system on this level for sale in the market below, the use will also facilitate an educational component to teach the general public and school groups about food production. As this garden has a direct relationship with the market itself and is a smaller component, it is considered to be an ancillary use to the market. This use also responds directly to the purpose of the CCZ1, by providing a cultural, recreational and tourist use that complements the capital city function of the city. As such the ancillary use is considered appropriate on the subject site's location.

14.1.1 Development Plan Overlay Schedule 11 (DPO11)

The 'seriously entertained' DPO11 proposed as part of amendment C245 states that:

'A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the Responsible Authority provided the Responsible Authority is satisfied that the grant of a permit will not prejudice the future use or development of the land in an integrated manner.'

While the detailed development plan has not been prepared for the QVM precinct at this stage, it is considered the grant of a permit for this application will not prejudice the future use or development of the land.

The development plan can only be approved once the amendment is gazetted and the DPO11 is applied to the subject land. As the planning control does not sit in the Melbourne Planning Scheme at the time of writing of this report, there is no formal development plan to consider. The QVM Precinct Framework Plan as shown in figure five is a conceptual plan to guide height controls within the precinct. It is not an approved development plan which would go into more detail reading specific heights, setbacks, car parking etc.

Regardless of this, the application proposes a temporary building which will in the future make way for more permanent buildings that seek to respond to the QVM Master Plan. A condition of any approval will ensure the building must be removed five years from the completed date of construction of the buildings and works. This will create a condition where permanent buildings can be considered if and when a Development Plan has been prepared and would replace the temporary facility.

14.2 Built Form

14.2.1 DDO14 Area 19

DDO14 Area 16 (which covers the majority of the site) lists a discretionary maximum building height of 7 metres with the built form outcome to met listed as:

'Development maintains the consistency of scale and built form of the historic Queen Victoria Market.'

While it is acknowledged that the proposed building at 13m in height exceeds the discretionary maximum height of 7m, importantly the built form outcome continues to be met. The structure is only two storeys and is clearly separated from the existing historical market sheds. The impact of the height is mitigated by the light weight materials apparent throughout the structure. This is particularly the case at the first floor greenhouse, which is to be constructed of visually permeable glazing allowing light through. The ground floor will also allow a degree of permeability from east to

west as access points for pedestrians. These factors allow the 13m height to be supported in this instance.

14.2.2 DDO14 Area 19

DDO14 Area 19 (which covers a portion of the south of the site) lists a discretionary maximum building height of 30 metres with the built form outcome to met listed as:

'The scale of development provides an appropriate interface from the low scale built form of the Queen Victoria Market towards the medium and high rise towers of the Central Business District.'

The proposed 13m height sits well below the 30m discretionary height control and ensures that the structure will provide a suitably low scale interface between the market and the central city. As such the height can be supported within the DDO14.

14.2.3 Amendment C245

As detailed in Section 5 of this report, amendment C245 proposes new height controls through the introduction of a Development Plan Overlay Schedule 11 on the southern portion of the subject site. This 'seriously entertained' policy stipulates a preferred maximum building height of 7m and a mandatory maximum height of 13m for parcel C – as identified in figure 5. The proposed maximum height of the market garden building is 13m which sits within the proposed maximum height control for the parcel. It is also considered that the temporary building is sympathetic to its heritage setting by its lightweight design and spacing from the market sheds. Thus the building complies with the proposed built form controls within parcel C of DPO11.

Parcel D envisages a tower/podium form, while this application is for a smaller scale temporary structure. The proposal sits well below the intended height limit and as such complies with the C245 built form control for parcel D in that it will not 'visually overwhelm the new open space or stores'.

The majority of the proposed structure is located within the northern portion of the Queen Street road reserve which is not proposed to be covered by a height control as part of amendment C245.

14.2.4 Urban Design

Clause 22.01 (Urban Design within the Capital City Zone) provides policies when assessing building design. This includes seeking to:

'Respect the height, scale, and proportions of adjoining heritage places'

Council's urban designer has commented that, 'the proposed structure is architecturally lightweight with a skeletal steel structure and translucent roofing, and allows for clear views through to the historic sheds of the Market, rather than dominating the place through volume or bulk'. As such the proposed building is considered to respect the height and scale of the adjoining market sheds.

Clause 22.01 also calls for good pedestrian permeability for sites over 100m in length. At over 200m in length, the proposal has multiple access points through the open air trading hall at ground floor that will allow pedestrians to walk from Therry Street to the historic market sheds and through the entire building from Queen Street to Victoria Street.

The policy provides for design guidance when assessing new facades including to provide detail that engages pedestrians and use high quality building materials. The policy also encourages new facades to 'respect the positive attributes of the rhythm, scale, architectural features, fenestration, finishes and colour of the existing streetscape'.

The building is proposed to be constructed from high quality materials including perforated mesh and glazing. Council's urban designer has noted that the proposal 'offers an exciting opportunity to complement the repeating shed profile of adjacent historic structures in a clear contemporary manner'.

Council's urban designer has also stated the 'rhythmic steel structure to the side of the green house provides for transparency and interest, with views through to the activity within. Further, the repeating fine columns will result in a 'forest' like spatial experience, rather than a barrier.'

As such, the design of the building is considered to comply with the objectives and policy guidance of Clause 22.01 and will ensure a high quality addition to the public realm.

14.3 Heritage

The proposal sits within a sensitive heritage precinct that is affected by multiple heritage overlays, a Heritage Victoria listing and is partially within an area of cultural heritage sensitivity.

14.3.1 Demolition

The only building proposed to be demolished as part of this application is the existing amenities and toilet block within Queen Street, as seen in figure eight below. This building has been identified as D graded within a level 2 streetscape in the *City North Heritage Review* (RBA, 2013). The building was constructed in the 1920s but has had various additions over the years. Council's heritage advisor has supported the demolition of this building due to its limited heritage significance. As such the demolition of this building can be supported.

Other minor demolition of kerbs, bollards and traffic signage is also proposed. This demolition can be supported as these works have no grading and contribute limited amounts to the heritage significance of the precinct. There are also civil engineering conditions that require kerb and channelling and bollards to be replaced once the temporary building is gone.



Figure Eight: Amenities block on Queen Street proposed to be demolished.
Source: Lovell Chen *Heritage Impact Statement*

14.3.2 Buildings and works

Clause 22.04 (Heritage Places within the Capital City Zone) identifies the Queen Victoria Market Precinct as a significant part of the Capital City. This clause identifies the following key attributes that contribute to the heritage significance of the precinct:

- The historic character of the precinct as a retail area.
- The generally simple, low-scale and remarkably intact example of a utilitarian form from the period of its construction. Taken as a whole, the Market and its component buildings are substantially intact in its 1923 form.

- The visual dominance of the Queen Victoria Market in the surrounding area.

The proposed use as a market will maintain the retail character of the area while the two storey structure will respect the simple, low scale, utilitarian market complex. Importantly, the structure being light weight in appearance, two storeys in height and largely transparent, will not dominate the historic QVM sheds from the surrounding area. As such the proposed buildings and works comply with the policy within Clause 22.04 in that the 'new development complements their character, scale, form and appearance' of the QVM precinct.

Clause 43.01 (Heritage Overlay) lists the following key decision guideline which is relevant to this application:

- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.

The Heritage Impact Statement prepared by Lovell Chen that accompanied the application states that:

'The proposed pavilion is a temporary light weight structure, which will enable the continuation of the market activities while the broader redevelopment of the precinct is underway. Although the pavilion will produce a significant scale to a predominantly single storey precinct, this is considered acceptable in the larger context of a renewal at the QVM and the temporary nature of the pavilion. Aside from the demolition of the amenities block in Queen Street, the proposal will have no physical impact on the significant fabric of the QVM, including the retention of the street trees along Queen Street.'

This statement is supported by Council's heritage advisor, who stated that the temporary building can be supported within a heritage context, even though it is above the existing discretionary height control.

In addition it is noted that the new structure will present as a light weight contemporary element in an historic precinct. The modern building, constructed of high quality materials will be clearly distinguishable from the older shed forms in a respectful manner. The new building seeks to continue the tradition of utilising a shed/pavilion approach to the architecture of the precinct in an interpretive fashion. In this sense the new structure seeks to integrate within the QVM precinct and its form and appearance will not adversely affect the significance of the heritage place.

The proposed structure also incorporates setbacks from the existing sheds of between 5 metres and 10 metres. Although the setbacks are less to the existing verandahs these setbacks will ensure the new building reads as a separate element from the existing sheds and will ensure the Market sheds retain their visual prominence in the area. As such it is considered that the location of the new structure will not adversely affect the significance of the heritage place and can be supported on heritage grounds.

As per Section 13.1.1 of this report, Council's heritage advisor supported the application subject to the following points which are addressed below:

Compliance with height controls which are relevant at the time the temporary permit is issued.

- The height of the structure at 13m is compliant with the built form outcomes of the existing DDO14 and can be considered with the current discretionary 7m height control.

A condition which prevents extension to the nominated 5 year period.

- A permit condition is recommended to ensure that the development is removed from the land no later than five years from the completion of the development.

Assessment of the archaeological potential for areas proposed to be excavated.

- A Cultural Heritage Management Plan (CHMP) for the application has been approved by Aboriginal Affairs Victoria. The CHMP details what steps will be undertaken when excavating areas for potential archaeological interest.

A condition which prevents advertising on the structure. The proposed car parking sign which rises well above the height of the temporary structure is not supported.

- Some limited signage relating to the functions of the temporary building are supported as they provide information about the nature of the businesses within the structure. A condition will ensure no third party or promotional signage can be displayed on the building. Signage is discussed in more detail at section 14.12 of this report.

Confirmation that the existing bluestone kerbs and gutters to the north side of Queen Street are not impacted by the development.

- Some limited kerb and channelling on the north side of Queen Street will need to be removed to make way for the new building. Following the removal of the building this will be reinstated.

14.3.3 Heritage Victoria

A small part of this proposal on the south west corner of the site involves a 260sqm cool room/back of house facilities to be built within the existing Queen Victoria Market car park and store rooms. As this land is covered by the Victorian Heritage Register (H734) a heritage permit must be applied for and granted by Heritage Victoria (HV) for this aspect of the proposed works. A note will be added to any approval to notify the applicant that this approval must be granted prior to the commencement of any works.

14.3.4 Aboriginal Cultural Heritage

As the application proposes works with 'significant ground disturbance' within a registered cultural heritage place, the works require the preparation of a Cultural Heritage Management Plan (CHMP), as specified in the Aboriginal Heritage Regulations 2007.

A CHMP (No.14052) for this proposal has been submitted to and approved by Aboriginal Affairs Victoria. A note on the permit will specify the works must be in accordance with the CHMP at all times.

14.4 Loading, traffic and car parking

14.4.1 Loading

Clause 52.07 (Loading and unloading of vehicles) stipulates that an on-site loading bay must be provided where a new area for the sale of goods is proposed. The policy goes on to state that:

'A permit may be granted to reduce or waive these requirements if either: The land area is insufficient or adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority'.

Clause 52.07 requires a loading bay of 27.4sqm where area for the sale of goods is up to 2,600sqm. This loading bay is to be increased by 18sqm for every additional 1,800sqm (or part thereof) of floor area. With 3,840sqm of floor area proposed within the ground floor retail component of the structure, the application is required to provide 45.5sqm of loading area with a minimum dimension of 3.6m in width and 7.6m length.

The market currently operates with loading activities undertaken within the undercover market / parking area, the loading areas to the east of Queen Street and

within the at-grade car park. It is understood that the loading activities within the undercover stalls is undertaken by cars and vans outside of peak times which are able to drive to the stall locations. This general arrangement is expected to continue throughout the operation of the new building, with some modifications as per necessary.

Given the proposal is not expected to increase the trading area of the market, it is considered that a waiver from the requirements of Clause 52.07 is warranted. Council's traffic engineers have accepted this provided further information is given with regards to new loading arrangements. This will be required as a condition by a revised Traffic Management Plan.

14.4.2 Car parking

Parking Overlay Schedule 1 stipulates a maximum car parking rate for the site. As no additional car parking is proposed as part of this application, there is no permit trigger associated with this application.

The application does involve the loss of approximately 97 car spaces on Queen Street and some objectors have noted a concern with this loss of car parking. It is noted that the main car park for QVM will still remain operational with approximately 684 car spaces with entry and exit from Franklin and Queen Streets.

Council's traffic engineers have confirmed (subject to a revised Traffic Management Plan) that the loss of car parking and altered traffic arrangements will not unreasonably interrupt the traffic flow to and from QVM on market days.

14.4.3 Traffic

Council's traffic engineers have expressed broad support for the proposal but have requested additional information to fully understand the broader impacts to the existing road network surrounding QVM. This includes the impacts of traffic to Queen Street and loading onto Franklin Street. It is acknowledged this level of detail can be required as a condition of permit requesting an amended Traffic Management Plan. This is considered reasonable and will allow this level of detail to be approved by Council's traffic engineering team prior to any works commencing.

A condition will be added to any approval requesting a revised Traffic Management Plan that addresses Council's traffic engineers further queries.

14.4.4 Bicycle parking

As per Clause 52.34-1 (Bicycle Facilities), *'Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area.'*

The proposed temporary building is to replace the existing market stalls with no net gain in the number of market vendors or the size of the market stalls. Therefore there is no requirement for any additional bicycle facilities to be provided in excess of the current provisions.

The proposed works within Queen Street will remove 10 bicycle hoops however these will be replaced elsewhere in QVM. This is accepted by Council's traffic engineers as a reasonable outcome and is supported.

14.5 Street trees

The temporary structure has been designed by the architects to retain the existing street trees within the Queen Street road reserve. A Tree Impact Report prepared by Tree Logic Pty Ltd has identified the impacts that the proposed building will have on the existing street trees. Particularly of note this report states that seven of the 28 trees 'will require substantial pruning in order to accommodate the pavilion structure. In some cases such as trees 6, 7 and 23 the pruning may exceed industry thresholds for pruning dose'.

The City of Melbourne's Urban Landscapes team are also concerned that significant levels of pruning are required to seven of the 28 affected trees. The Urban Landscapes team have recommended that selective tree removal and replacement may be a better option than pruning particular trees due to the constraints of the temporary structure.

It is considered that a detailed Tree Protection Management Plan must be submitted and approved by the Urban Landscapes Team prior to construction starting on the temporary facility. This plan will detail which trees can be pruned and which may need to be replaced. Further discussions between the project arborist and the City of Melbourne's Urban Landscapes team can be facilitated prior to works beginning to ensure the street trees are not adversely affected throughout the life of the project. This is considered appropriate to include as a permit condition, with any subsequent changes to design to be reflected in amended plans.

14.6 Advertising Signage

Council's heritage advisor raised concerns with the extent of signage proposed within the drawings package. The proposed banner signs in the coloured renders are considered conceptual and will require separate approval prior to installation, unless otherwise exempt. A condition of any approval will require these signs to be removed from the plans forming part of this permit application prior to commencement of works. The removal of these signs is considered to alleviate concerns from a heritage perspective, as they have the opportunity to cause visual clutter.

A second sign sits on the relocatable store rooms on the the west elevation and identifies the functions of the market garden. This signage is large and it is not clear what materials it is composed of. As such a condition of any approval will require the removal of this sign. The applicant has the opportunity to apply separately for additional signage permits if they wish.

The green fluorescent 'Market Garden' sign on the North and South elevation sits at the same height of the first floor of the building and have been designed to sit on the bird netting itself and thus be integrated within the architecture of the building. The sign is constructed of modern materials and will not cause visual clutter within the QVM precinct.

Overall the two signs are supported as they will not detract from the amenity or character of the place and as such comply with the advertising signage policy at Clause 22.07. There will be conditions added to any approval to ensure light spill is limited.

14.7 Environmentally Sustainable Design

Clause 22.19 (Energy, Water and Waste Efficiency) applies to applications for the construction of a building for the purposes of a retail premises. As such the provisions of this policy are applicable to this application.

As the application proposes approximately 3,000sqm of additional retail premises, the building is required to provide 5 points for Wat-1 credit under a current version of the Green Star rating tool and must include a Waste Management Plan in accordance with the City of Melbourne's *Guidelines for Waste Management Plans*. As the retail component of the application is under 5,000sqm, it does not require a 5 star rating under a current version of Green Star.

The application includes a Sustainable Management Plan prepared by *Hype Sustainability* and dated December 2016. The plan states the project includes operable shading devices and planting to cool the building. The structure achieves 5 points for Wat-1 credit under the current green star tool.

The Waste Management Plan (WMP) has been reviewed by Council's Waste Engineering team who deemed it satisfactory. A condition will be added to any approval to ensure continued compliance with this WMP.

As such, the objectives and policy of Clause 22.19 are considered to be met as the proposal minimises the production of greenhouse gas emissions and maximises energy production.

Clause 22.23 (Stormwater Management/ Water Sensitive Urban Design) applies to all applications for new buildings, thus is relevant to the assessment of the current application.

This policy requires development applications achieve best practice performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended) and requires applications to use stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways.

The site has access to a 600,000L underground rainwater tank under the Queen Street road reserve. The Sustainable Management Plan prepared by *Hype Sustainability* estimates that the proposed temporary pavilion will use approximately 10% of the 600,000L underground tank. This will result in a STORM rating score of 151%, noting a score of 100% represents a 45% reduction of total nitrogen of typical annual load.

The application also proposes to collect and reuse rain water from the roof of the new building, which will reduce the volume of stormwater reaching the system when compared to existing conditions.

As a result of the above, the application will achieve compliance with the objectives and policy provisions of Clause 22.23 by promoting best practice stormwater management.

14.8 Additional Objector Concerns

A number of the concerns raised by objectors have been addressed above.

The following objector concerns are outside the scope of the assessment of this planning application and cannot be considered:

- Opposition to overall QVMPR project
- Cost/commercial considerations
- Impact on existing traders
- Pollen from existing Plane trees

These concerns relate to operational and business related requirements of the QVM during the life of the temporary market facility.

Whilst these matters are not relevant to the assessment of this application, it is noted that the QVMPR team has prepared a long term plan for the precinct to ensure its ongoing operation during the renewal works.

Remaining matters raised by objectors are discussed below:

- Permanent vs temporary nature of greenhouse facility

This has been addressed via a permit condition ensuring the development is removed from the land within five years of the development being completed.

- Premature application and no permits for market redevelopment

Despite amendment C245 not being gazetted at the time of writing of this report, the application can be considered through the existing planning controls, whilst having regard to the proposed planning scheme amendment.

The proposed wider market redevelopment is a separate process that may require multiple planning approvals being assessed against the planning controls in place at the time of lodgement.

- No Development Plan

Although a Development Plan has not been approved for the QVM precinct, this application can be considered through the existing planning controls. Until amendment C245 is gazetted, applications involving the use and development of land within the QVM precinct can continue to be assessed prior to the approval of a Development Plan.

- Use of market as event space

QVM is subject to the provisions of the Melbourne Planning Scheme, including requiring a permit for Section two uses within the Capital City Zone Schedule 1. It is noted that a Place of Assembly (excluding Amusement Parlour and Nightclub) would not require a permit under the current and proposed zoning.

However if the market was to be used for an event that did require a permit, QVM would be required to apply for a permit for that use, unless otherwise exempt within the Melbourne Planning Scheme or any applicable local law.

- Removal of toilets

Although the amenities will be removed, these will be replaced in a yet to be determined location within the QVM precinct. The new toilet block will be subject to a separate approval unless otherwise exempt. It is noted that there are three other amenities blocks within Queen Victoria Market.

14.9 Conclusion

As discussed above, the temporary buildings and works for the market facility are broadly consistent with the applicable provisions of the Melbourne Planning Scheme. The works will allow the continued operation of the Queen Victoria Market while the QVMPR program is underway.

It is recommended that a Notice of Decision to Grant a Permit be issued for the proposal subject to the following conditions:

15 CONDITIONS:

1. Prior to the commencement of the development on the land, plans must be submitted to the Responsible Authority generally in accordance with the plans prepared by Breathe Architecture and dated 19 January 2017 but amended to show:
 - a) Any changes as required by the revised Traffic Management Plan
 - b) Any changes as required by the Tree Protection Plan
 - c) Removal of all banner signs
 - d) Removal of 'Market Garden' signage on the southern side of the Western elevation.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

Signage

2. The signs, including their structure and advertising material as shown on the endorsed plan, must at all times be maintained in good order and condition, to the satisfaction of the Responsible Authority.

3. The location, size, material of construction and degree of illumination of the sign(s) shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
4. The signs shall only contain advertisement which provides or supplies information relating to the business conducted on the above mentioned land and must not display any third party promotional material, without the prior written consent of the Responsible Authority.
5. The lighting of the sign(s) must be positioned so no direct light or glare shall be visible from any roadway or from any adjoining property, to the satisfaction of the Responsible Authority.
6. The sign(s) must not be animated or contain any flashing light.

Traffic Engineering

7. Prior to the commencement of the development (including demolition), a revised Traffic Management Plan must be submitted to the Responsible Authority generally in accordance with the plan prepared by Ratio Consultants and dated 16 February 2017 but amended to show:
 - a) Traffic plans which demonstrate the proposed future layout of Queen Street and detail any proposed vehicle access to the west.
 - b) A swept path review to be undertaken where vehicle access is required at any point.
 - c) Location of loading areas for the market stalls within the new pavilion;
 - d) Details of transport between the proposed loading areas and the pavilion market stalls;
 - e) Specific vehicle movement requirements to these areas (trucks, forklifts etc.) including swept paths
 - f) Details of monitoring of queues at the Franklin Street access point. If queues exceed the original estimates further modifications must be undertaken to reduce delays for drivers.
 - g) Confirmation of location of relocated bicycle parking hoops.

Waste

8. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Ratio dated 16th Dec 2016. The submitted WMP must not be altered without prior consent of the City of Melbourne – Engineering Services.

Public Transport Victoria

9. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Franklin Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

Environmentally Sustainable Design

10. The performance outcomes specified in the Sustainable Management Plan prepared by *Hype Sustainability* and dated December 2016 must be achieved in the completed development.

Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed ESD Statement, must be documented by the author of the endorsed ESD statement in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.

Construction Management Plan

11. Prior to the commencement of the development, including demolition, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group . This construction management plan must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:
 - a) public safety, amenity and site security.
 - b) operating hours, noise and vibration controls.
 - c) air and dust management.
 - d) stormwater and sediment control.
 - e) waste and materials reuse.
 - f) traffic management.

Public Tree Protection and management

12. Prior to the commencement of any works a Tree Protection Plan (TPP) must be submitted to and approved by the Responsible Authority – Urban Landscapes. The TPP must be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
 - a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>)
 - b) Site specific details of the temporary tree protection measures to be used to isolate or protect public trees from the construction activities.
 - c) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public owned tree.
 - d) Full specification of any pruning required to public owned trees. All prescribed pruning must be in accordance with AS-4373-2007 'Pruning of Amenity Trees'.
 - e) Specific details for ongoing maintenance and management of public trees within and surrounding the development before and during construction.
 - f) Details of the frequency of the Project Arborist construction monitoring visits, interim reporting periods and final completion report (necessary for bond release).
13. Specific details for the maintenance and care of public trees within the temporary pavilion following the construction period, must be provided in the form of a Tree Management Plan. The Tree Management Plan must be submitted to and approved by by the Responsible Authority – Urban Landscapes. The management plan should include any expected pruning requirements, irrigation regimes and inspection schedules. If the works are proposed to be undertaken by external contractors (not Citywide Tree Care), this should be clearly indicated in the management plan.
14. Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development must be submitted and will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant/developer/owner of the site. Should any tree be adversely impacted, the City of Melbourne will be compensated for any loss of amenity, ecological services or for the cost of any amelioration works required (see advice notes).
15. Any proposed tree removal will be subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited significant or controversial tree removals, may be

subject to decision by Council or a Committee of Council. All applications for the removal of public trees must be sent trees@melbourne.vic.gov.au and include documentation that meets the requirements of the Tree Retention and Removal Policy.

16. All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a tree proposed for removal, must be met by the applicant/developer/owner of the site to the satisfaction of the Responsible Authority. The costs of these works will be provided and must be agreed to in writing before council removes the subject tree(s).
17. If a Construction Management Plan or Traffic Management Plan proposes changes to any of the tree protection methodologies or impacts on public trees in ways not identified in the Tree Protection Plan (TPP), a revised TPP must be submitted to and approved by council.

Civil Design

18. Prior to commencement of any works on site the portion of road to be built on should be formally closed to traffic. All necessary approvals and permits are to be first obtained from the City of Melbourne - Manager Engineering Services Branch and the works performed to the satisfaction of the City of Melbourne - Manager Engineering Services
19. Detail design engineering drawings of proposed shed showing the minimum clearance to existing overhead street lighting and underground drainage assets and existing utilities must be submitted to and approved by the Responsible Authority – Engineering Services.
20. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne’s underground stormwater drainage system.
21. All pedestrian paths and access lanes shown on the endorsed plans must be constructed and maintained to the satisfaction of the Responsible Authority - Engineering Services.
22. All new or altered portions of road (including the provision of footpaths, public lighting, pavement marking, bollards and signage) in Queen Street must be constructed prior to the occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
23. The footpath(s) adjoining the site along Queen Street must be reconstructed together with associated works including the reconstruction or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
24. Existing street levels in Queen Street must not be altered for the purpose of constructing pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services
25. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
26. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – Engineering Services.

27. All pedestrian ramps must be designed and constructed in accordance with AS 1428:2009 Design for Access and Mobility and should be fitted with ground surface tactile indicators (TGSI's). Details of the TGSI's must be submitted to and approved by City of Melbourne – Engineering Services prior to their installation.
28. All street furniture such as bollards, street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on Queen Street footpaths outside the proposed building to plans and specifications first approved by the Responsible Authority – Engineering Services.

Time limit

29. The development authorised by this permit including all associated structures must be removed within five years of the development being completed.
30. This permit will expire if one or more of the following circumstances apply:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the permit if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

Notes

- a) Prior to the commencement of any works on site, a permit from Heritage Victoria must be granted for the works proposed within the Queen Victoria Market stores and car park which incorporate the cool room, back of house and storage facilities.
- b) All buildings and works must be in compliance with the approved Cultural Heritage Management Plan (Reference number: 14052)
- c) Pursuant to the *Road Management Act 2004* (the Act) any works within the road reserve of Victoria Street, an arterial road, requires the written consent of VicRoads, the Coordinating Road Authority.
- d) Any new line markings on public roads must be referred to Traffic Engineering for comment.
- e) All necessary approvals and permits are to be first obtained from the City of Melbourne – Manager Engineering Services Branch and VicRoads and the works performed to the satisfaction of the City of Melbourne – Manager Engineering Services Branch and VicRoads
- f) This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.
- g) The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

- h) The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works. This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.