

**Report to the Future Melbourne Committee****Agenda item 6.2**

**Ministerial Planning Referral: TPMR-2023-10**  
**Queen Victoria Market Precinct Southern Site, 65-159 Victoria Street, Melbourne**

**20 February 2024**

**Presenter:** Ashley Treloar, Acting Head of Statutory Planning

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a Ministerial planning referral for a planning permit application seeking approval for early works associated with the proposed Queen Victoria Market Southern Precinct Development Plan, December 2023. The land is currently formally identified as 65-159 Victoria Street, Melbourne (refer Attachment 2 – Locality Plan).
2. The applicant is Lendlease Development Pty Ltd C/- Urbis Pty Ltd, the architect is NH Architecture and the owner is Melbourne City Council.
3. The land is located within the Capital City Zone Schedule 1 (CCZ1 – Outside the Retail Core) and is affected by Design and Development Overlay Schedule 1 (DDO1 – Urban Design in Central Melbourne) and Schedule 10 (DDO10 – General Development Area Built Form), Development Plan Overlay Schedule 11 (DPO11 – Queen Victoria Market Precinct), Heritage Overlay (HO7 – Queen Victoria Market Precinct and HO496 – Queen Victoria Market) and the Parking Overlay Schedule 1 (PO1 – Capital City Zone, Outside the Retail Core).
4. The proposed early works include excavation and construction of a retention system for a multi-level basement, and the partial demolition and dismantling (for future reconstruction) of the canopy to the Franklin Street Stores (refer Attachment 3 – Selected Plans).
5. The early works are associated with the redevelopment of the site being concurrently considered under development plan application DP2302292 (CoM ref TPMR-2023-7) for the approval of the Queen Victoria Market Southern Precinct Development Plan, December 2023.
6. The Department of Transport and Planning (DTP) on behalf of the Minister for Planning, has informally referred the application to Council for comment.
7. Heritage Victoria has issued a Heritage Permit for the works within the registration area of HO496 (VH734) and the proposed early works as part of this application are consistent with the approved Heritage Permit. The proposed works are not located within HO7.

**Key issues**

8. The key issues relate to the appropriateness of the early works having regard to the requirements of the DPO11.
9. The proposed early works are confined to demolition, excavation and construction of basement walls. They would facilitate the staged redevelopment of the land under the concurrent development plan application and planning permit applications, and would not prejudice the future use and development of the land in an integrated manner. The early undertaking of these works would facilitate a more efficient delivery of the area and would not unreasonably impact on the public realm.
10. The application is supported subject to conditions, including a requirement for temporary works and activation on the land should it remain vacant for more than six months.

**Recommendation from management**

11. That the Future Melbourne Committee resolves to advise the Department of Transport and Planning that the City of Melbourne supports the application subject to the conditions set out in the delegate report (refer to Attachment 4 – Planning Application Report).

**Attachments:**

1. Supporting Attachment (Page 2 of 24)
2. Locality Plan (Page 3 of 24)
3. Selected Plans (Page 4 of 24)
4. Planning Application Report (Page 9 of 24)

## **Supporting Attachment**

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### **Legal**

1. The Minister for Planning is the Responsible Authority for determining this application.
2. The application is exempt from the notice requirements of sections 52(1)(a), (b) and (d), the decision requirements of sections 64(1), (2) and (3), and the review rights of section 82(1) of the *Planning and Environment Act 1987* (the Act), therefore Council has no formal status under the Act in relation to the application.

### **Finance**

3. There are no direct financial issues to Council arising from the recommendations contained within this report.

### **Conflict of interest**

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

### **Health and Safety**

5. Relevant planning considerations, such as construction and traffic management, that could impact on health and safety have been considered within the application and assessment process, and will be monitored through a Construction and Traffic Management Plan.

### **Stakeholder consultation**

6. DTP, on behalf of the Minister for Planning, has referred the application to Council and requested comment and advice to support DTP in completing an assessment and the Minister in making a decision.
7. Council officers have not undertaken public notice of the application or referred this to any other referral authorities. This is the responsibility of the DTP acting on behalf of the Minister for Planning.

### **Relation to Council policy**

8. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

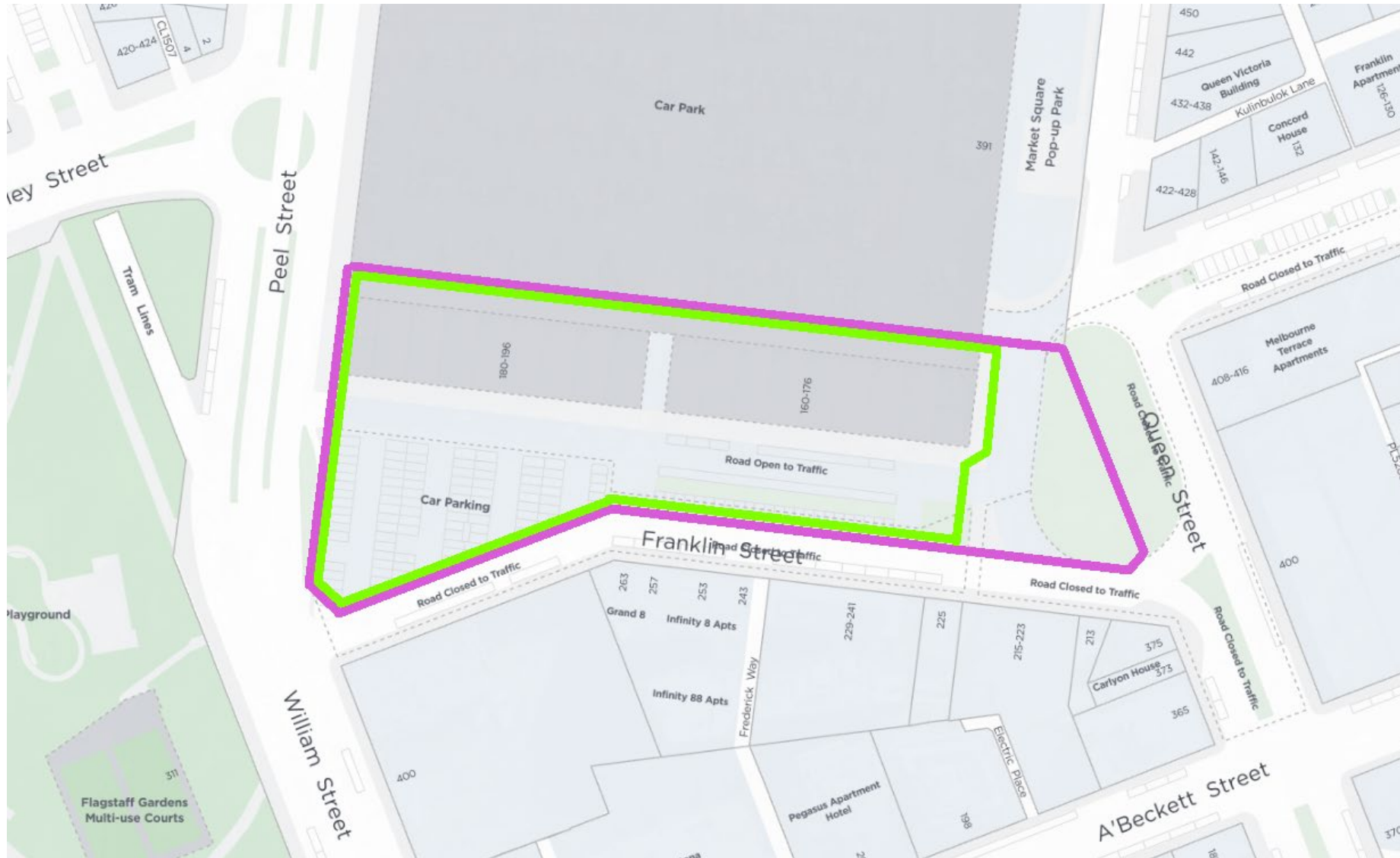
### **Environmental sustainability**

9. The Sustainability Strategy report submitted with the separate development plan application (TPMR-2023-7) confirms the proposed development would achieve the relevant performance measures set out in Clauses 15.01-2L-01 and Clause 19.03-3L of the Melbourne Planning Scheme.
10. Conditions recommended through future planning permit applications for each component of the development plan will ensure the implementation of ESD initiatives.

# Locality Plan

Page 3 of 2

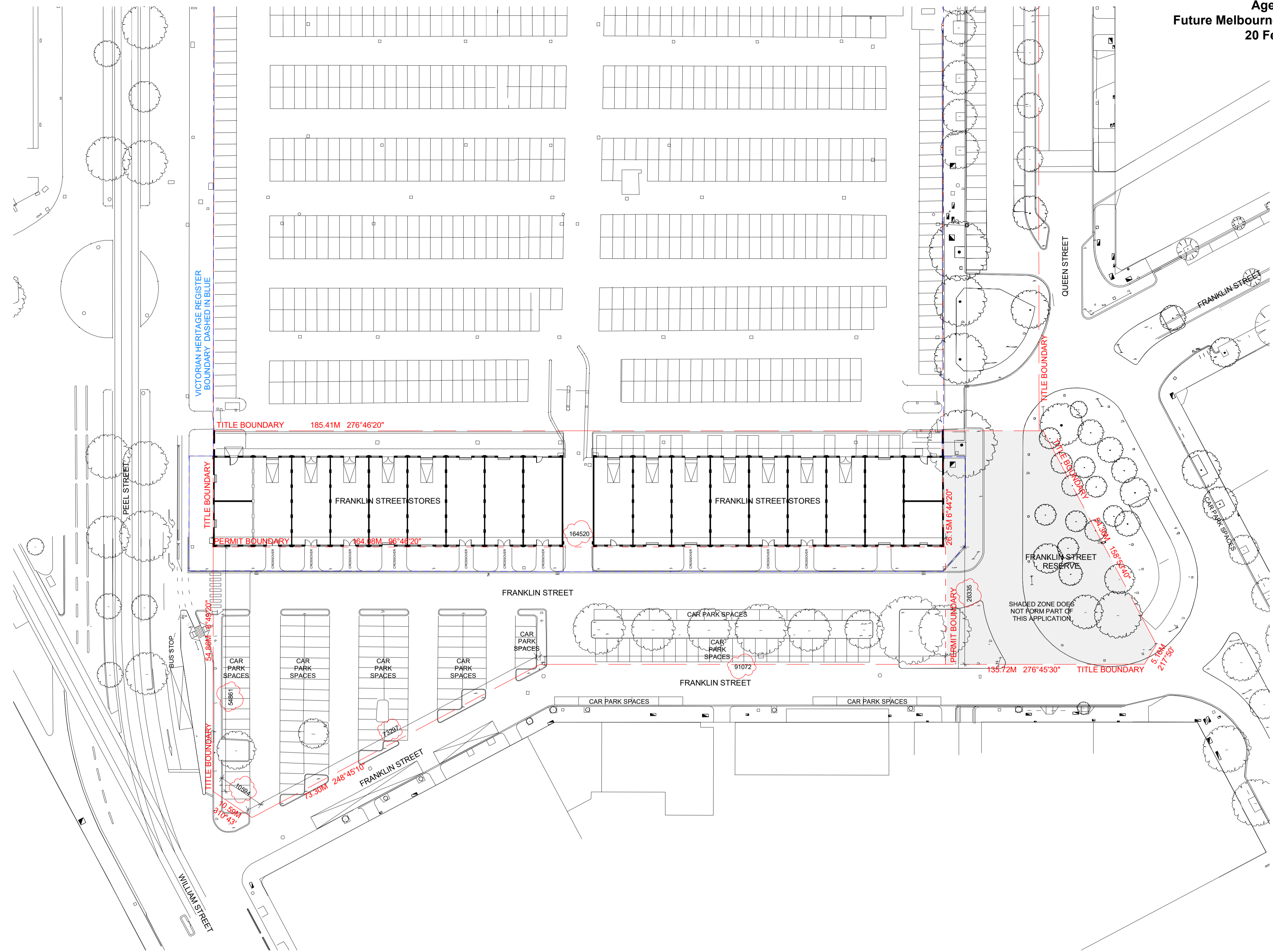
Queen Victoria Market Precinct Southern Site, 65-159 Victoria Street, Melbourne  
(Southern Precinct – Parcel D early works)



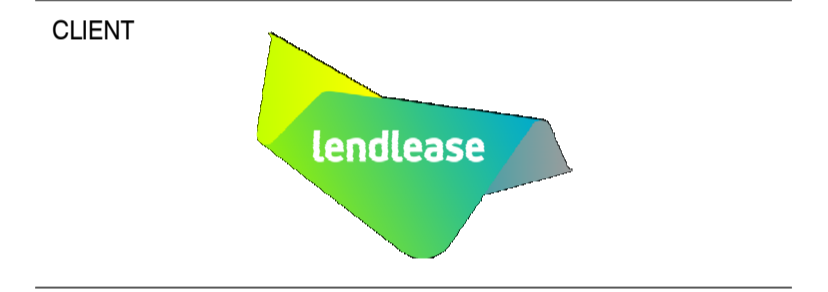
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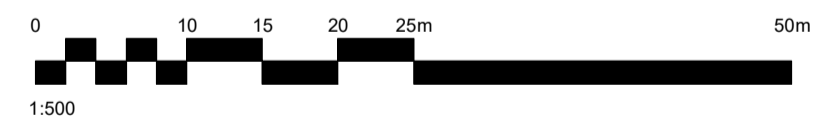
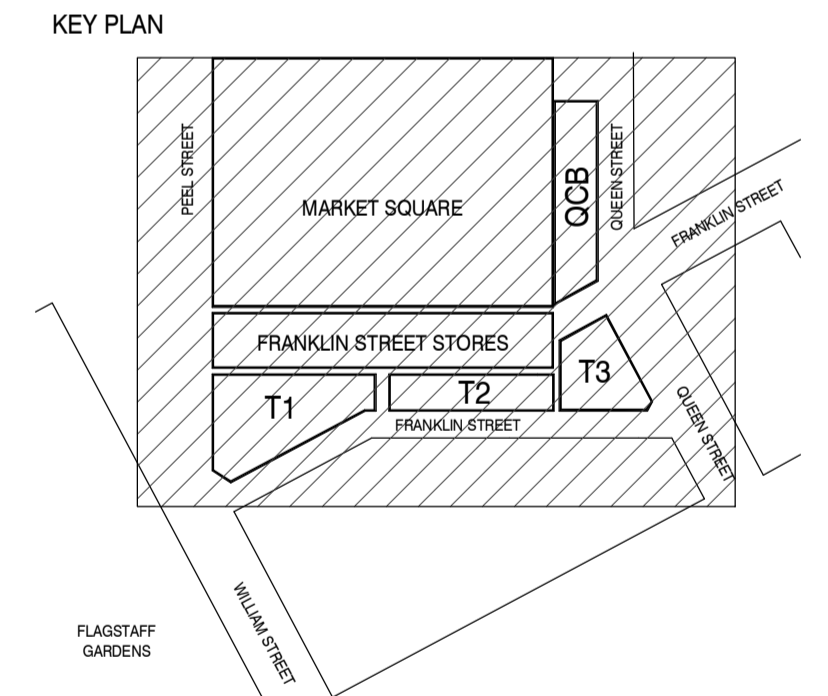
REV.	DETAILS	DATE
1	PLANNING APPLICATION - DRAFT	28.04.2023
2	PLANNING APPLICATION - EARLY WORKS	25.05.2023
3	PLANNING APPLICATION - EARLY WORKS - RFI	07.09.2023



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**NH Architecture**  
**3XN | KTA OPENWORK**  
**SEARLE & WALDRON ARCHITECTURE** | **MCGREGOR COXALL**



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DP	NB	1 : 500	

PROJECT NAME  
**QVM Southern Development Site**

PROJECT No.	DATE
200032	08/03/23

STAGE  
 PLANNING APPLICATION - EARLY WORKS

DRAWING TITLE  
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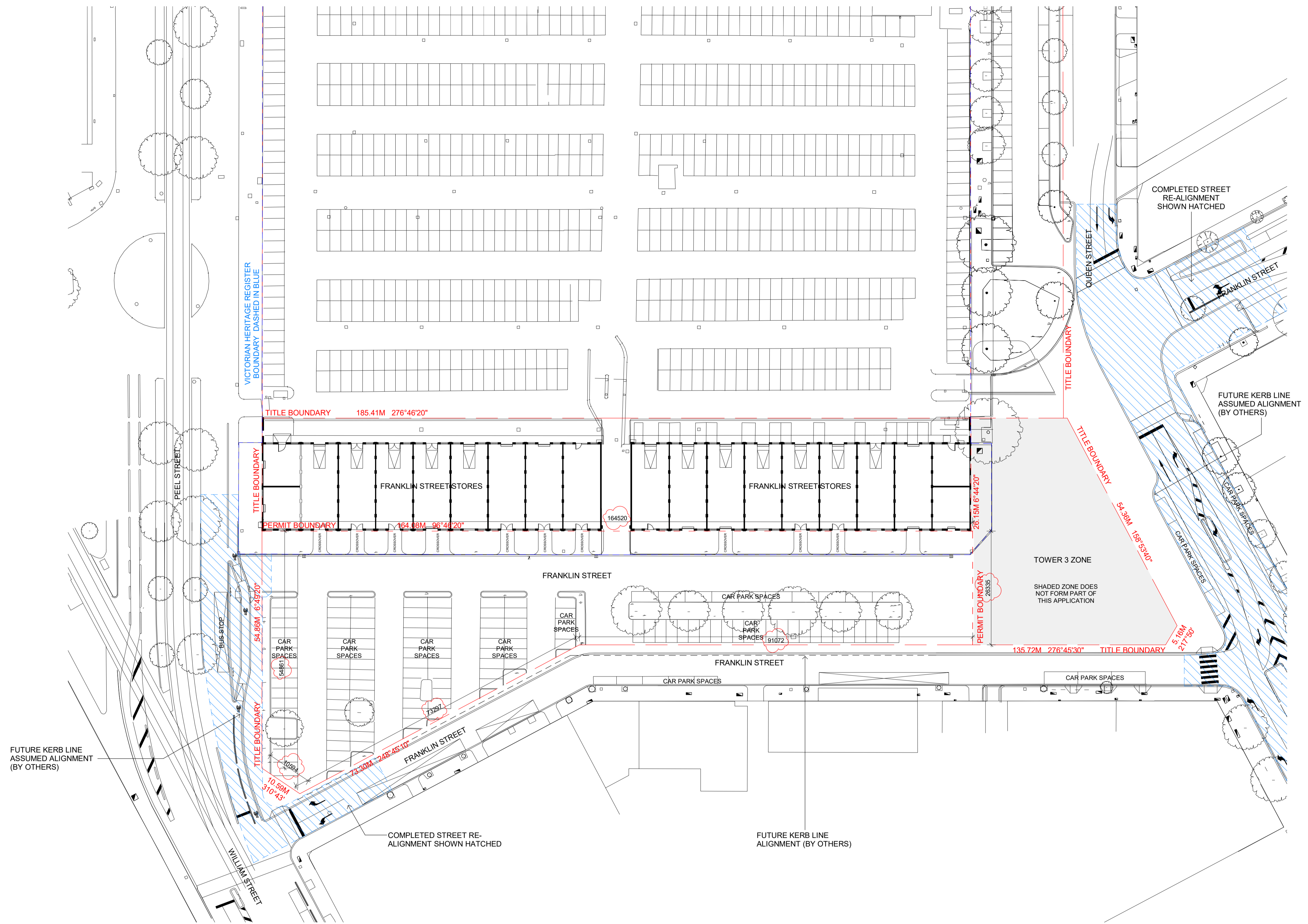
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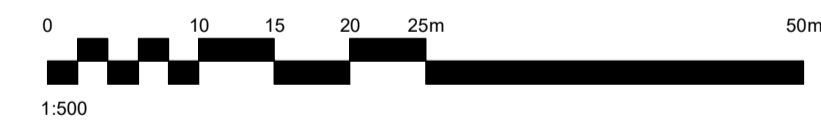
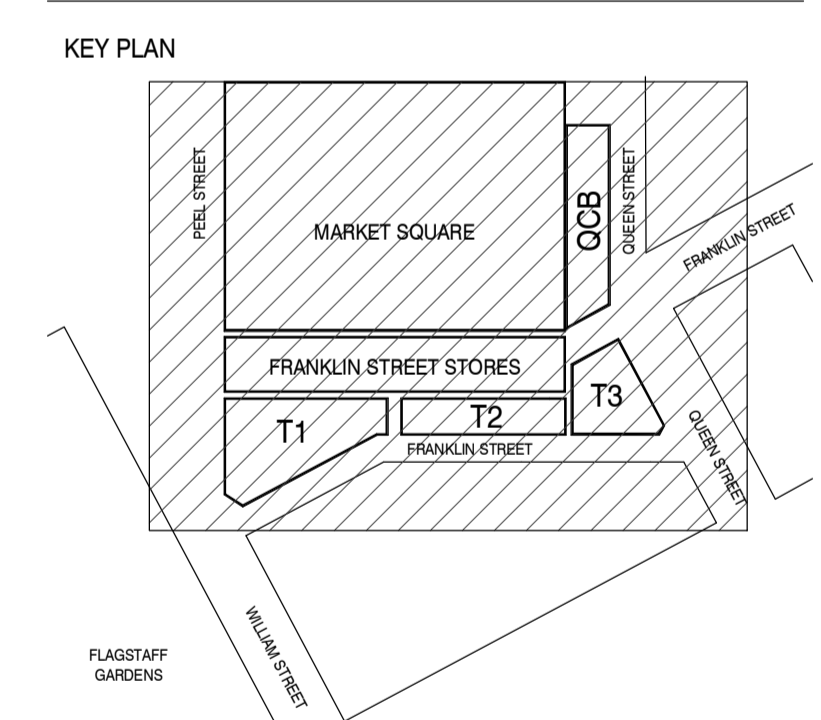
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PROJECT NAME: QVM Southern Development Site

PROJECT No.: 200032, DATE: 27/04/23

STAGE: PLANNING APPLICATION - EARLY WORKS

DRAWING TITLE: EXISTING CONDITIONS - SITE HANDOVER EXPECTED CONDITIONS

DRAWING No.: NHA-SI-A-P10-99-01, REVISION: 3



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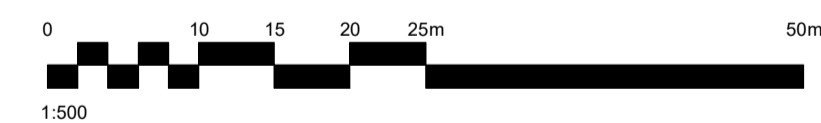
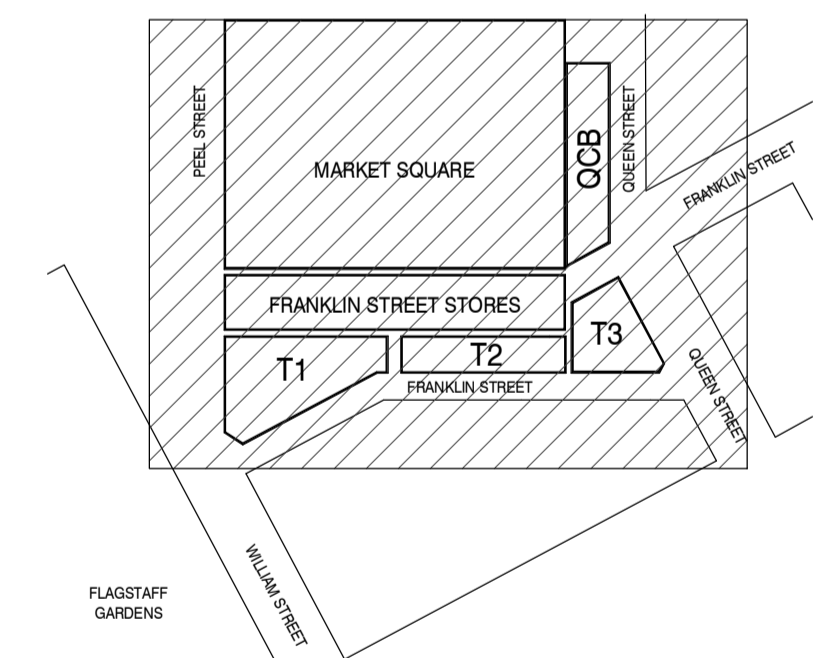
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- EXTENTS OF EXISTING CANOPY TO BE REMOVED DURING CONSTRUCTION. PARTIAL REINSTATEMENT TO BE AGREED AS PART OF FUTURE PERMIT
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**SEARLE & WALDRON ARCHITECTURE** | **MCGREGOR COXALL**

KEY PLAN



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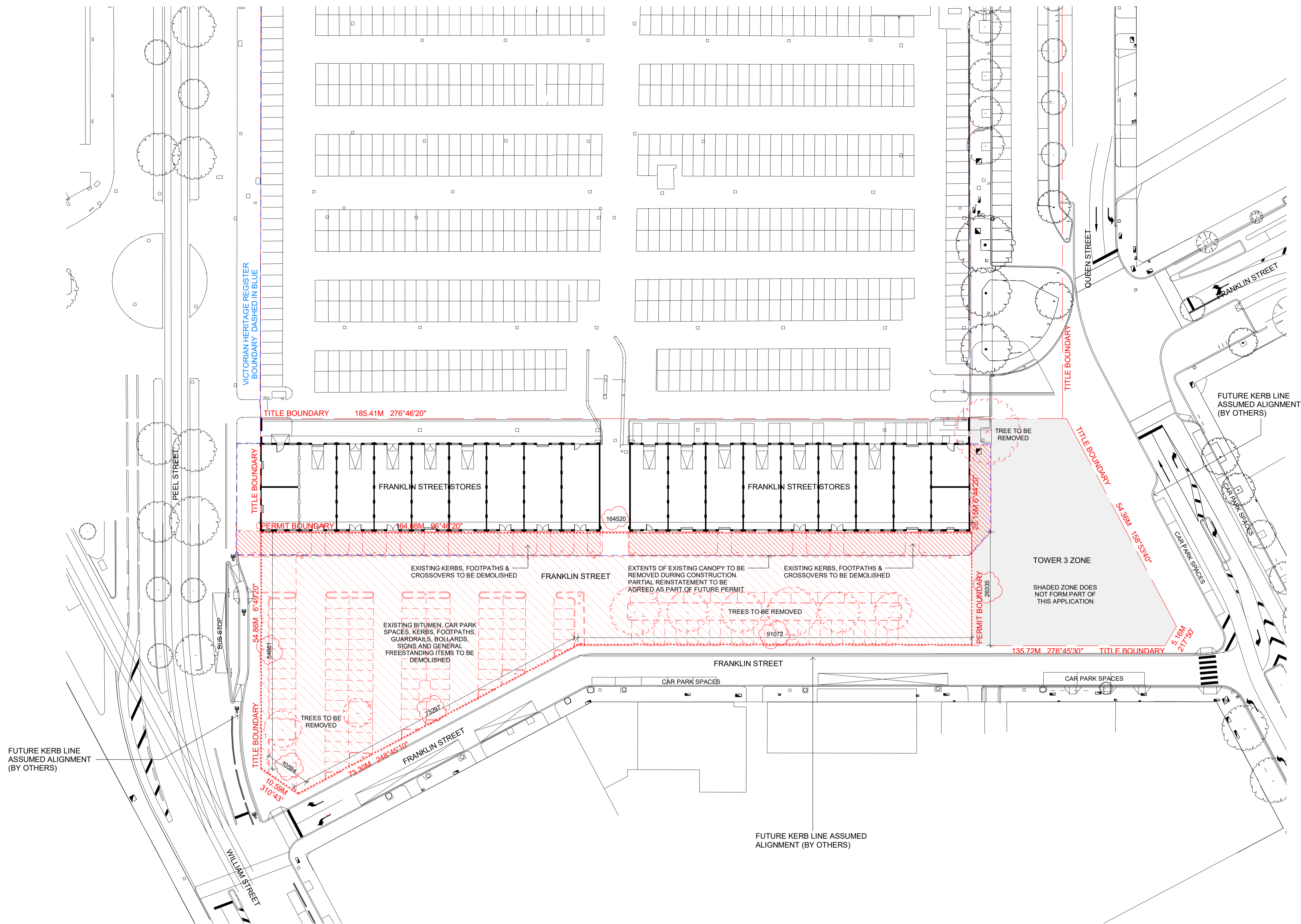
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PROJECT No.: 200032, DATE: 08/03/23

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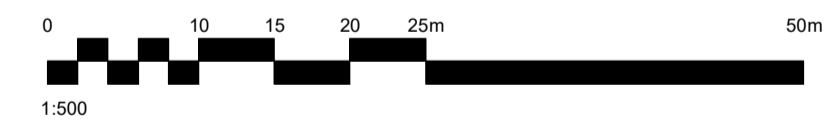
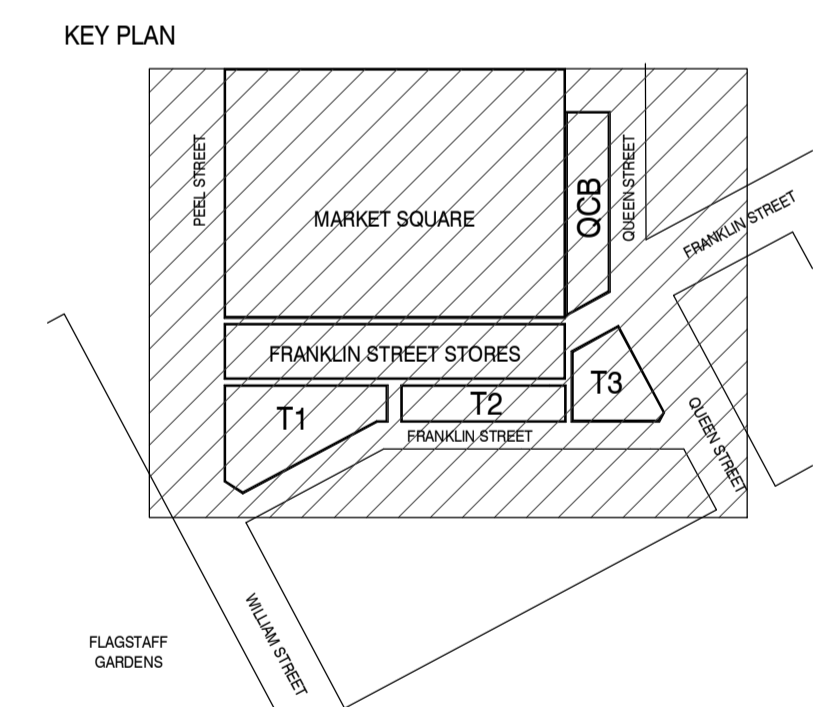
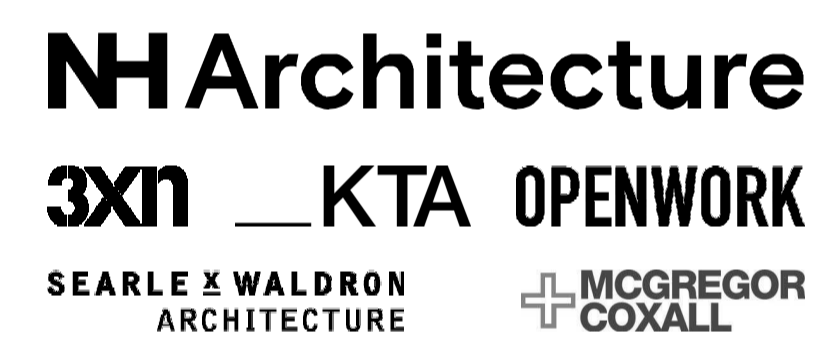
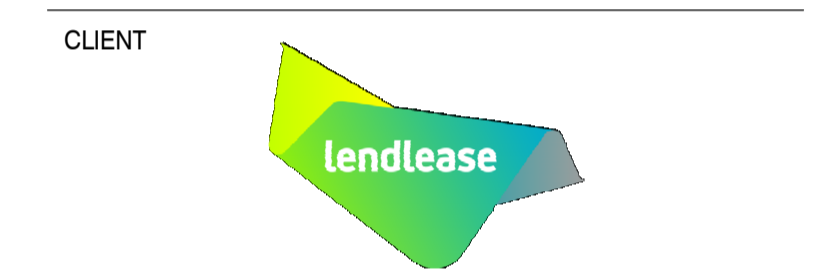
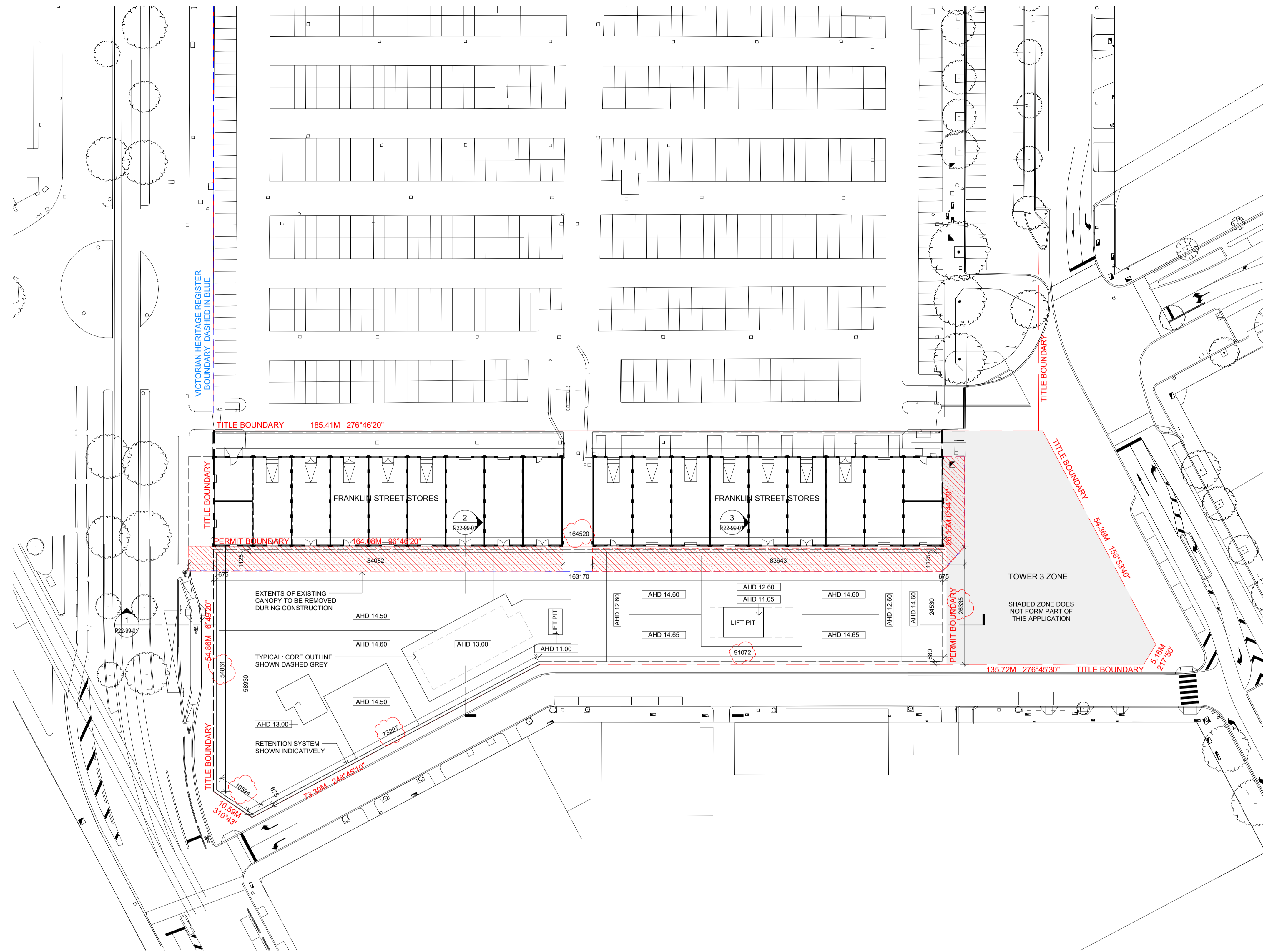
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5	PLANNING APPLICATION - EARLY WORKS	31.05.2023
6	PLANNING APPLICATION - EARLY WORKS	19.07.2023
7	PLANNING APPLICATION - EARLY WORKS - RFI	07.09.2023

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PROJECT NAME  
**QVM Southern Development Site**

PROJECT No. DATE  
 200032 08/03/23

STAGE  
 PLANNING APPLICATION - EARLY WORKS

DRAWING TITLE  
**CUT & FILL PLAN - EARLY WORKS**

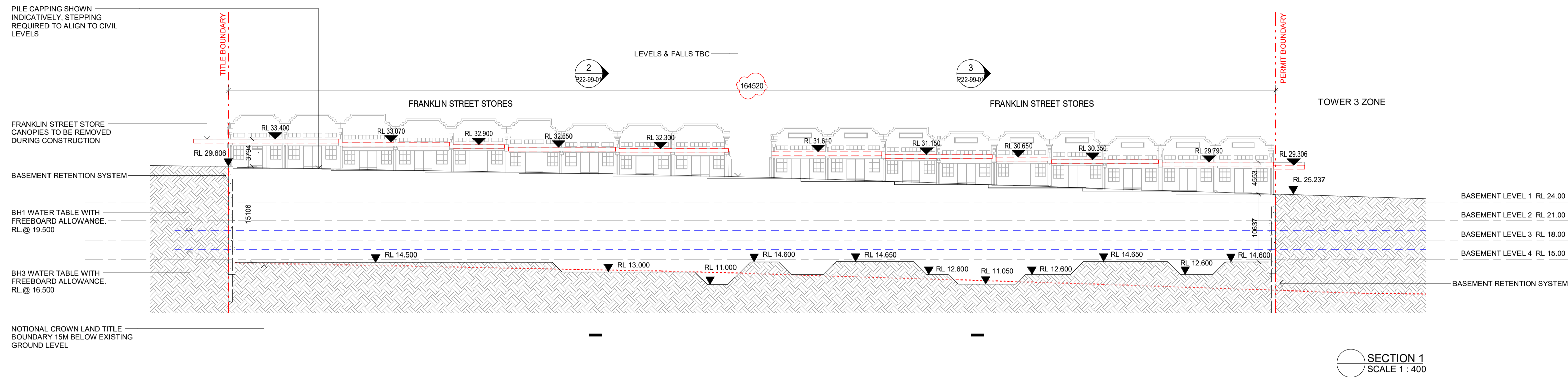
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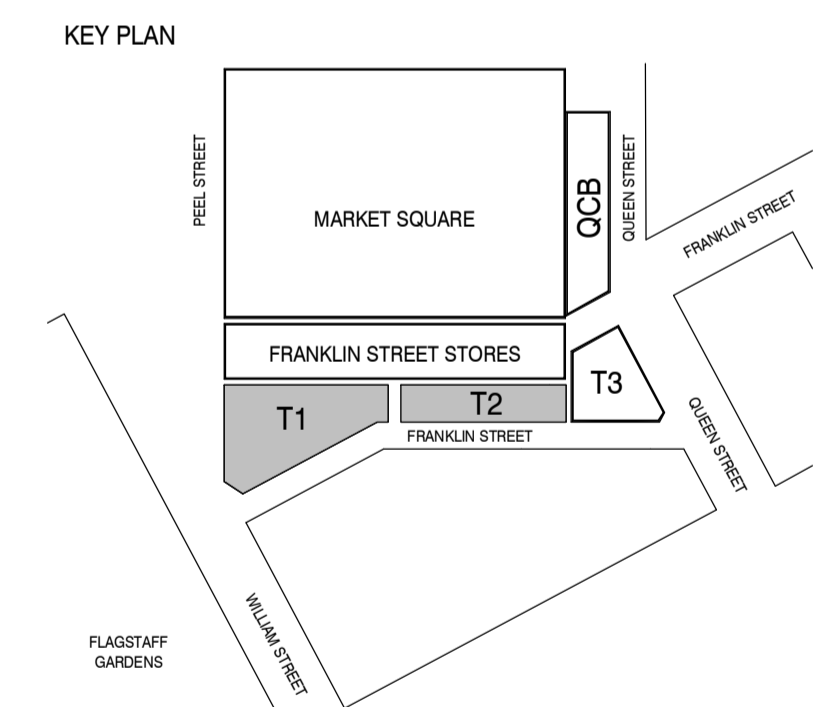
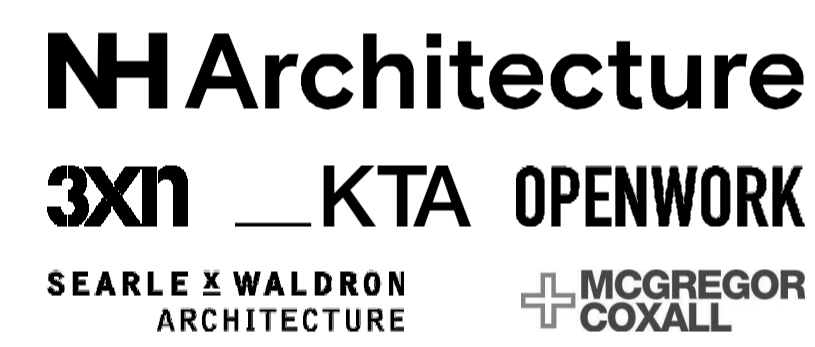
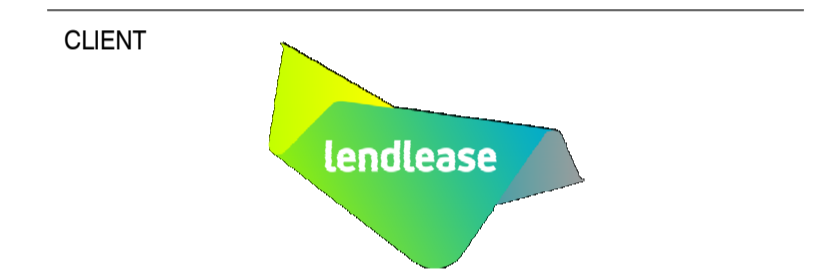
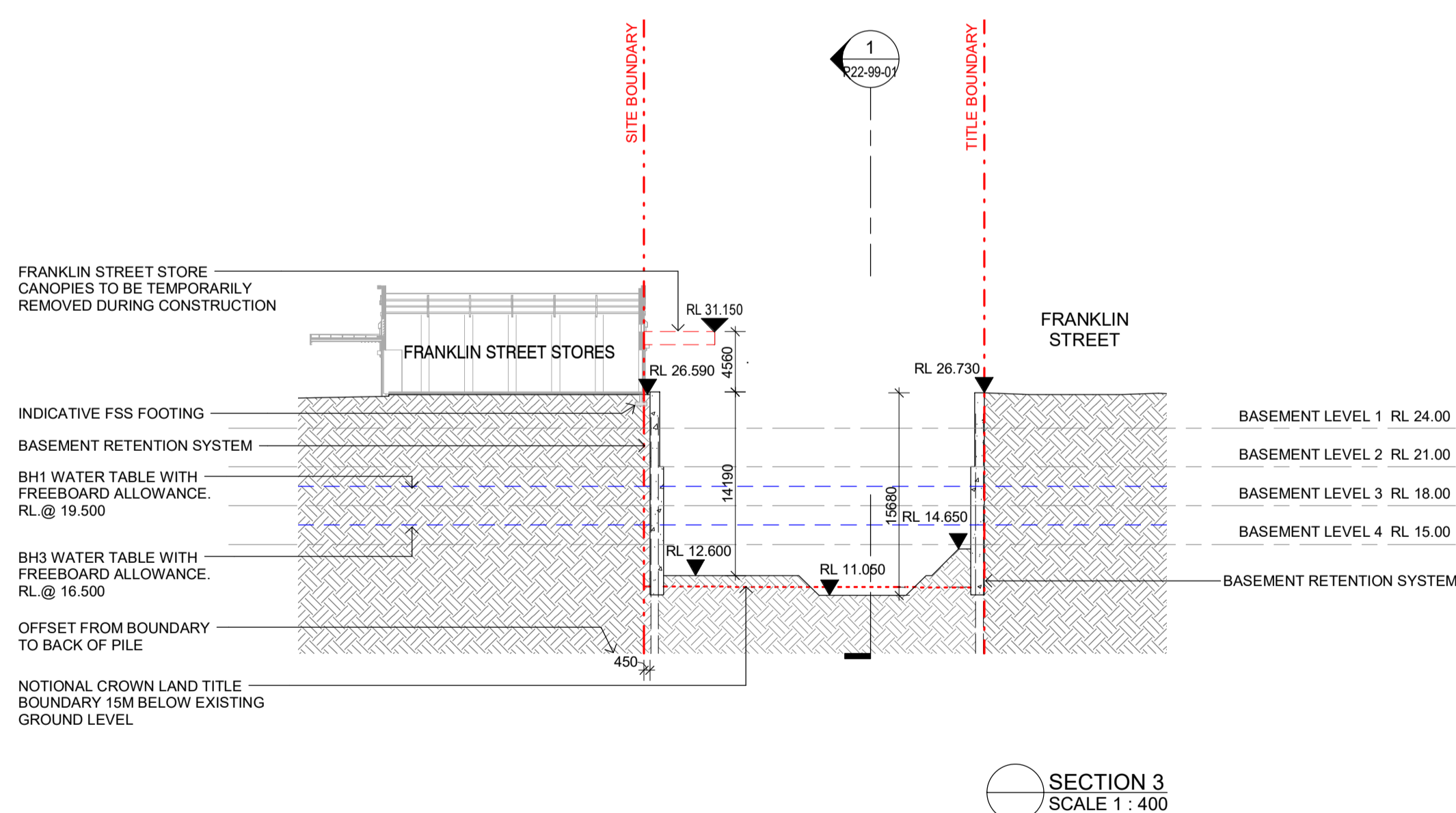
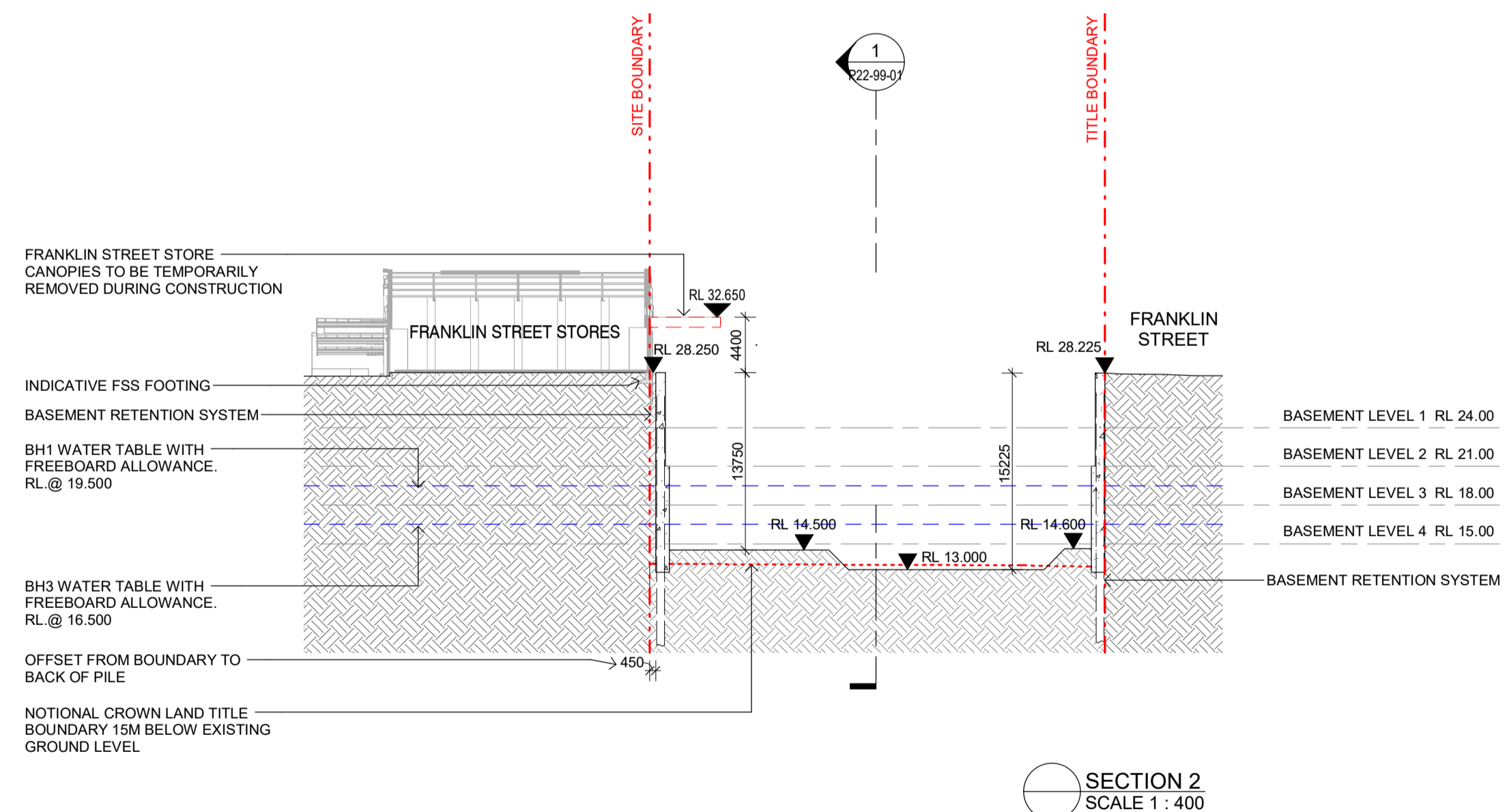
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PROJECT NAME: QVM Southern Development Site

PROJECT No.: 200032, DATE: 08/03/23

STAGE: PLANNING APPLICATION - EARLY WORKS

DRAWING TITLE: CUT & FILL SECTIONS - EARLY WORKS

DRAWING No.: NHA-SI-A-P22-99-01, REVISION: 6



## DELEGATE REPORT MINISTERIAL PLANNING REFERRAL

<b>Application no:</b>	TPMR-2023-10
<b>DTP reference no:</b>	PA2302312
<b>Applicant:</b>	Lendlease Development Pty Ltd C/- Urbis Pty Ltd
<b>Owner:</b>	Melbourne City Council
<b>Architect:</b>	NH Architecture
<b>Address:</b>	Queen Victoria Market Precinct Southern Site 65-159 Victoria Street, Melbourne
<b>Proposal:</b>	Early works associated with the redevelopment of the Queen Victoria Market Southern Precinct
<b>Cost of works:</b>	\$16,110,434
<b>Date received:</b>	16 June 2023
<b>Responsible officer:</b>	Lachlan Orr, Principal Urban Planner

### 1 SUBJECT SITE AND SURROUNDS

#### 1.1 Subject site

The subject site is the Queen Victoria Market, which is a place of local and state heritage significance. More specifically, this application relates to Parcel D of the Queen Victoria Market Framework Plan in Development Plan Overlay Schedule 11 (DPO11).

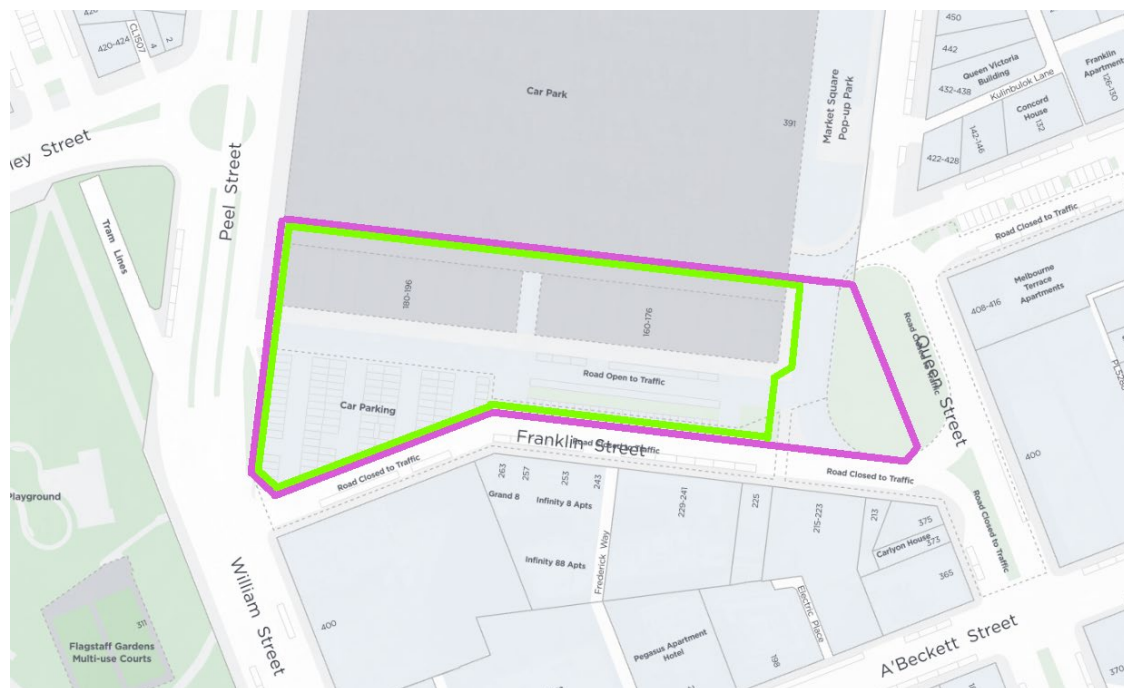
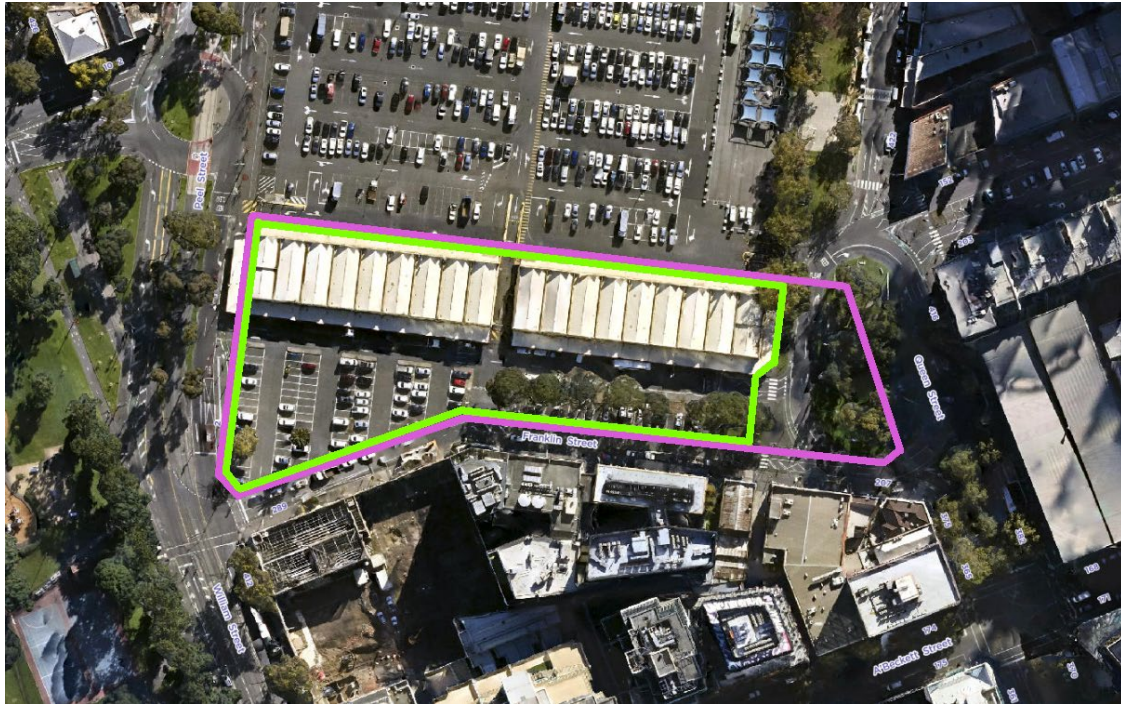


Figure 1: Locality map (early works activity area highlighted green)



**Figure 2: Aerial photograph (early works activity area highlighted green)**

The site is bound by Queen Street to the east, Peel Street and William Street to the west, the remainder of the market to the north, and Franklin Street to the south.

The site is an irregular shape that encompasses open car parks associated with the market as well as the Franklin Street Stores, a significant row of brick buildings used as stores associated with the market. There are a number of established trees in proximity to Queen Street and Franklin Street.

The land is formally identified as Crown Allotment 2057 at West Melbourne, City of Melbourne, Parish of Melbourne North (Shown on plan TP956679M). A depth limitation of 60 metres is identified beneath the Franklin Street Stores, and a depth limitation of 15 metres for the remainder of the land. There are no other easements or restrictions identified on title.



**Figure 3: Application area viewed from William Street**



The Queen Victoria Market is listed on the Victorian Heritage Register (VH734) and is identified as one of the great nineteenth century markets of Victoria having been in continual operation since the 1870s. It is also the site of Melbourne's first official cemetery, in use between 1837 and 1854, after which it was reduced until its final closure in 1917 to accommodate the growing market. Archaeological sites are included in the Victorian Heritage Inventory and are located in Parcel D, William Street and the roundabout on Queen Street. The site is located within an area of Aboriginal Cultural Heritage Significance due to the presence of registered cultural heritage places within the Queen Victoria Market.



Figure 4: Application area viewed from Queen Street

As noted above, the application area includes land within Parcel D as shown on the Queen Victoria Market Framework Plan 2017 contained in DPO11.

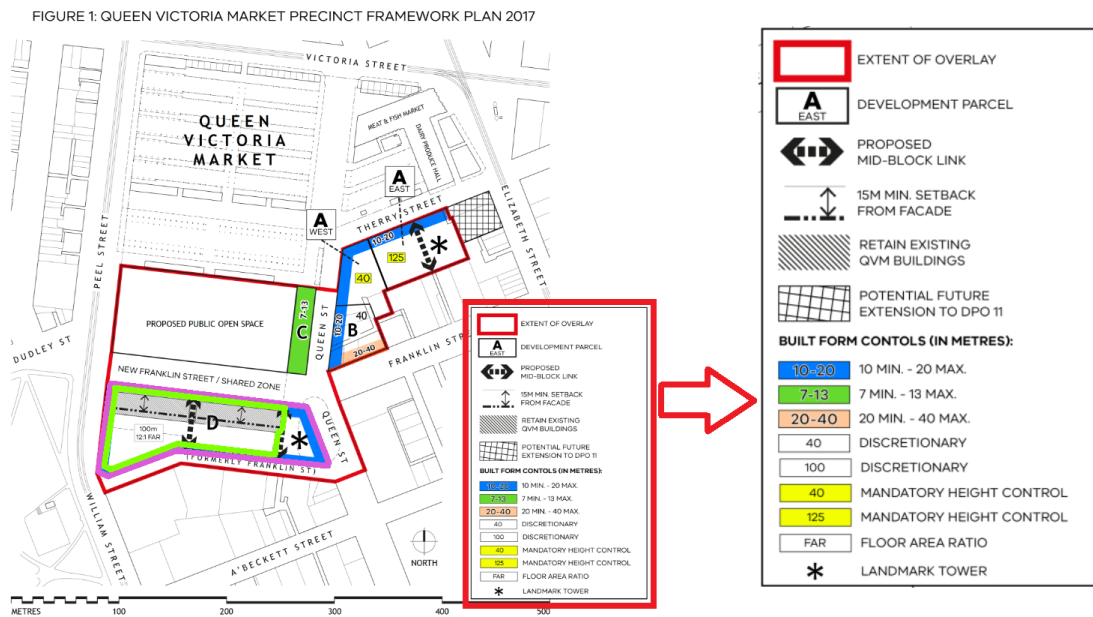


Figure 5: QVM Precinct Framework Plan from Figure 1 of DPO11 (application area highlighted)

## 1.2 Surrounds

The site is bound by the remainder of the market and roads, with no immediate neighbours. The interfaces of the application area are described as follows:

- To the north, is a large open car park associated with the Queen Victoria Market.
- To the south is Franklin Street, which features buildings ranging in height from two to ten storeys. Ministerial Planning Permit 2013009182-3 has been issued for a 34 level mixed use development at the adjacent site on the corner of Franklin Street and William Street (386-412 William Street).
- To the east is Queen Street. The eastern interface includes the ten storey Melbourne Terrace Apartments on the corner of Queen Street and Franklin Street, which is a locally significant heritage place.
- To the west is Peel Street and William Street. Flagstaff Gardens is located on the western side of William Street, which is one of the key public open spaces serving the central city and surrounding areas.

## 2 BACKGROUND AND HISTORY

### 2.1 DPO11 Proposed Development Plan

A concurrent development plan application has been submitted for the southern portion of the Queen Victoria Market encompassing the land identified as Parcel C, Parcel D (including the Franklin Street Stores), proposed public open space, a new street / shared zone, Franklin Street, and the adjoining section of Queen Street (DTP ref DP2302292; CoM ref TPMR-2023-7). The proposed development plan is titled Queen Victoria Market Southern Precinct Development Plan, December 2023 and would guide future planning permit applications for use and development of the site, including this planning permit application for early works.

### 2.2 Planning Application History

There are numerous planning permits associated with the historical use and development of the market. These applications are not of direct relevance to the current application.

Two concurrent planning permit applications have been submitted for the proposed Queen Victoria Market Southern Precinct Development Plan, December 2023.

CoM Ref	DTP Ref	Description	Status
TPMR-2023-12	PA2302374	Planning permit application for Towers 1 (office) and 2 (dwellings)	Under assessment
TPMR-2023-21	PA2302581	Planning permit application for Tower 3 (student accommodation)	Further information requested

### 2.3 Heritage Victoria permit

The land is partly included on the Victorian Heritage Register VH734. Pursuant to Clause 43.01-3 of the Melbourne Planning Scheme, a planning permit is not required under the Heritage Overlay to develop a place on the Victorian Heritage Register as separate approval is required from Heritage Victoria.

Permit P36779 was granted by Heritage Victoria on 20 December 2023 for the:



*“Construction of two multi-level towers to the southern edge of the Queen Victoria Market on Franklin Street (only partially within the extent of registration), works to the Franklin Street Stores including partial demolition of the southern canopy, temporary dismantling and reinstatement of the southern, eastern and western canopies, conservation and adaptation works to facilitate the introduction of new uses, demolition works to the existing at-grade market carpark (including demolition of the waste receiving station) and development of a new public open space (Market Square).”*

Relevantly, this permit included excavation for the basement of Towers 1 and 2 and the partial demolition of the canopy of the Franklin Street Stores.

### 3 PROPOSAL

#### 3.1 Documents considered in assessment

The documentation considered in this assessment is set out in the table below:

Document	Author	Date
Early works architectural plans	NH Architecture	7 September 2023
Southern Development Site Overall Construction and Environmental Management Plan	Lendlease Construction Pty Ltd	23 August 2023
Southern Development Site Early Works Scope	Lendlease Construction Pty Ltd	1 June 2023
Arboricultural Assessment	Arbor Survey	4 May 2023
Contamination assessments (summary)	Senversa Pty Ltd	18 July 2023
Planning assessment	Urbis	16 June 2023

#### 3.2 Proposal details

A planning permit application has been submitted to the Minister for Planning for early works associated with the redevelopment of Parcel D within the Queen Victoria Market Framework Plan under DPO11. The works are summarised as follows:

- Excavation and construction of a retention system for a multi-level basement car park.
- Partial demolition of the canopy on the southern side of the Franklin Street Stores.
- Dismantling sections of canopies on the eastern, western and southern sides of the Franklin Street Stores, to be reinstated on completion of the development.

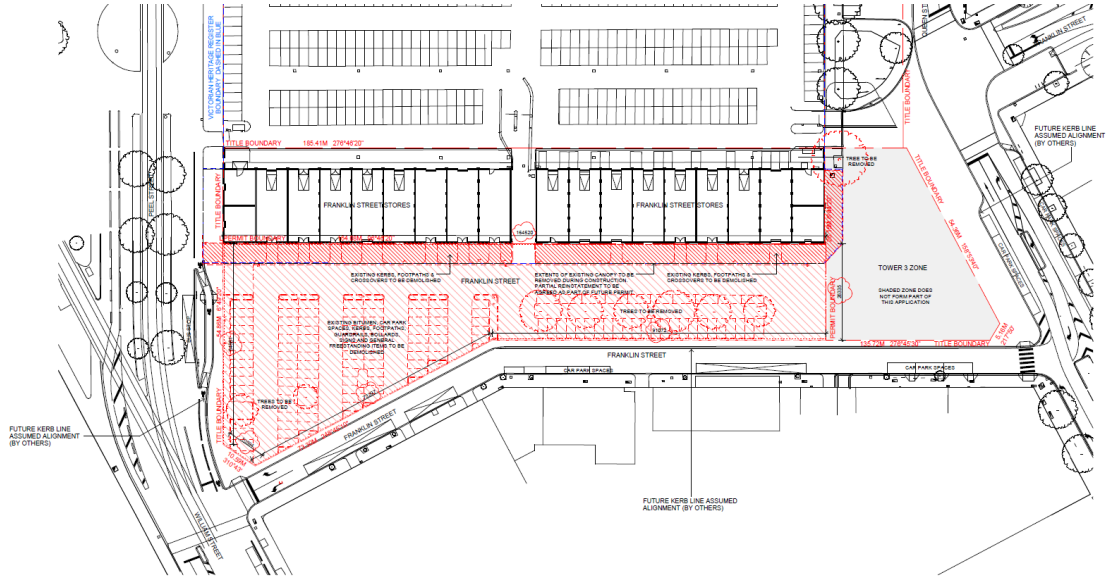


Figure 7: Proposed demolition plan

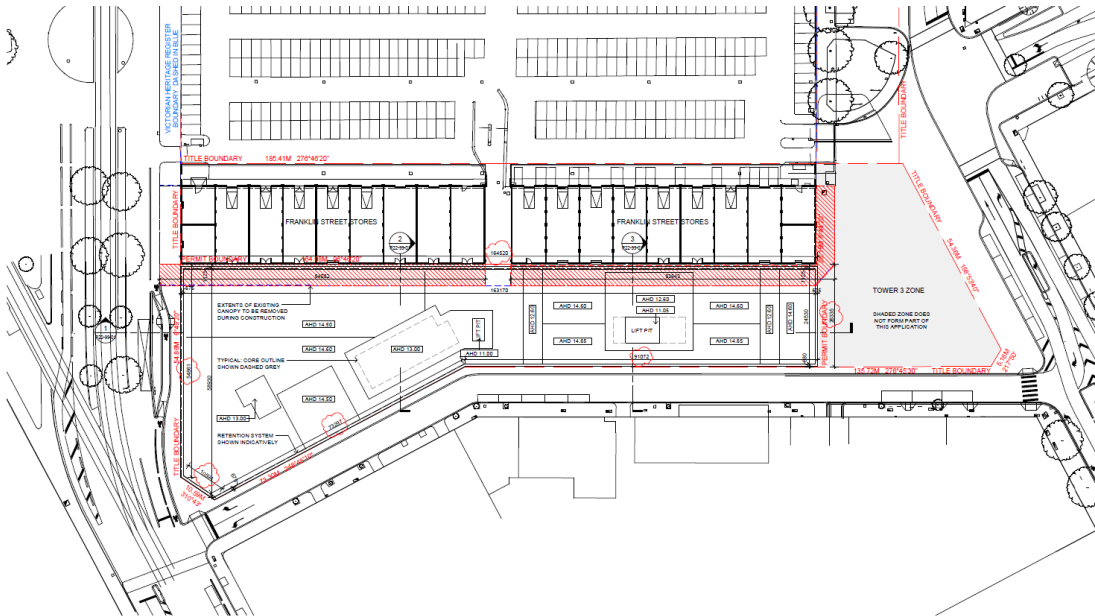


Figure 8: Proposed layout plan



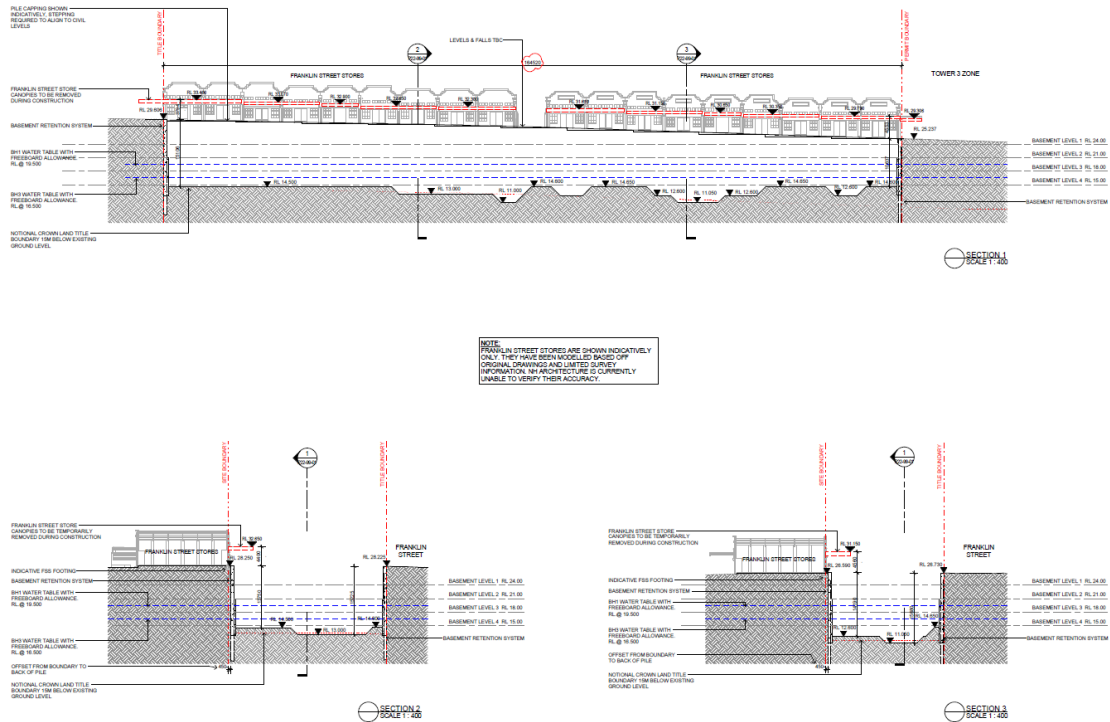


Figure 9: Proposed sectional elevations

#### 4 PLANNING POLICY FRAMEWORK, CONTROLS AND PROVISIONS

The following policies, controls and provisions of the Melbourne Planning Scheme are relevant to the application:

Policy	
Purpose and Vision	Clause 02.02 – Vision Clause 02.03 – Strategic Directions Clause 02.04 – Strategic framework plans
Planning Policy Framework	Clause 11 – Settlement Clause 13 – Environmental Risks and Amenity Clause 15 – Built Environment and Heritage Clause 18 – Transport Clause 19 – Infrastructure
Controls	
Clause 37.05 Capital City Zone Schedule 1 Outside the Retail Core (CCZ1)	<p><u>Use</u></p> The application does not propose any new land use.
	<p><u>Development</u></p> Pursuant to Clause 37.05-4, a <b>permit is required</b> to construct a building or construct or carry out works and to demolish or remove a building or works.

<p>Clause 43.01 Heritage Overlay HO7 (Queen Victoria Market Precinct) HO496 (Queen Victoria Market, 65-159 Victoria Street, West Melbourne)</p>	<p>The site is partially located within HO7 and HO496.</p> <p>Pursuant to Clause 43.01-3, a planning permit is not required to develop a place on the Victorian Heritage Register. This is applicable to land within HO496 (VH734).</p> <p>The proposed works are located entirely within this area and therefore, a permit is not required under the heritage overlay.</p>
<p>Clause 43.02 Design and Development Overlay Schedule 1 Urban Design in Central Melbourne (DDO1) Schedule 10 General Development Area – Built Form (DDO10)</p>	<p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.</p> <p>Schedule 1, which affects the entire site, states that a permit is not required to:</p> <ul style="list-style-type: none"> <li>• <i>Develop a heritage place which is included on the Victorian Heritage Register if:</i> <ul style="list-style-type: none"> <li>• <i>A permit for the development has been granted under the Heritage Act 2017.</i></li> </ul> </li> </ul> <p>As noted above, a permit has been granted for the proposed works by Heritage Victoria.</p> <p>Schedule 10 states that a permit is not required for:</p> <ul style="list-style-type: none"> <li>• <i>Buildings and works at ground level, including external works to provide access for persons with disabilities that comply with all legislative requirements.</i></li> </ul> <p>The proposed works are at the ground level and do not alter any existing height, setback or result in any additional habitable or occupiable floor area.</p> <p>A permit is therefore not required under the DDO1 and DDO10.</p>
<p>Clause 43.04 Development Plan Overlay Schedule 11 Queen Victoria Market Renewal Precinct (DPO11)</p>	<p>Pursuant to Clause 43.04-2, 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.</p> <p>A permit granted must:</p> <ul style="list-style-type: none"> <li>• Be generally in accordance with the development plan.</li> <li>• Include any conditions or requirements specified in a schedule to this overlay.</li> </ul> <p>Clause 2.0 of Schedule 11 to the DPO states that any permit issued for the use, subdivision or development of the land must be generally in accordance with:</p> <ul style="list-style-type: none"> <li>• The approved Development Plan.</li> <li>• The Queen Victoria Market Precinct Framework Plan 2017 at Figure 1.</li> <li>• The Vision in Clause 3.0.</li> </ul> <p>Any permit issued for the use, subdivision or development</p>



	<p>of the land must be compliant with the provisions of Table 1. A permit must not be granted for a development that does not meet the mandatory requirements in Table 1.</p> <p>A separate development plan application (DTP ref DP2302292; CoM ref TPMR-2023-7) has been lodged concurrently with the Minister for Planning. The development plan must be approved prior to the grant of a planning permit for the proposed early works.</p>
<p>Clause 45.09 Parking Overlay Schedule 1 Capital City Zone – Outside the Retail Core (PO1)</p>	<p>Pursuant to Schedule 1 of Clause 45.09, a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of the schedule.</p> <p>The application does not propose any additional car parking on the land and as such, a permit is not required under this overlay.</p>
<b>Particular Provisions</b>	
<p>Clause 52.17 Native Vegetation</p>	<p>Pursuant to Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.</p> <p>The submitted Arboricultural Assessment identifies the trees to be removed include the following species:</p> <ul style="list-style-type: none"> <li>• Trees 1 to 16 – London plane (<i>Platanus x acerifolia</i>)</li> <li>• Trees 17 to 24 – Sydney Blue Gum (<i>Eucalyptus saligna</i>)</li> <li>• Tree 25 – Canary Island Date Palm (<i>Phoenix canariensis</i>)</li> <li>• Tree 26 – Smooth Leaved Elm (<i>Ulmus minor</i>)</li> </ul> <p>Clause 73.01 (General Terms) defines native vegetation as:</p> <p style="text-align: center;"><i>Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses.</i></p> <p>The Arboricultural Assessment confirms the trees proposed to be removed are not indigenous to Victoria and therefore, no permit is required under this clause.</p>
<b>General and Operational Provisions</b>	
<p>Clause 65 Decision Guidelines</p>	<p>Clause 65.01 (Approval of an application or plan) outlines the matters which must be considered by the Responsible Authority prior to deciding on the approval of an application.</p>
<p>Clause 72.01 Responsible Authority for this Planning Scheme</p>	<p>Pursuant to the Schedule to Clause 72.01-2, the Minister for Planning is the Responsible Authority for land included in the Queen Victoria Market Precinct Framework Plan Area under DPO11.</p>

## **5 PUBLIC NOTIFICATION**

This application has been referred to the City of Melbourne by the Department of Transport and Planning on behalf of the Minister for Planning for consideration and advice.

It is noted that the application would be exempt from the notice requirements and review rights of the *Planning and Environment Act 1987* with respect to each of the necessary planning permissions listed above.

## **6 REFERRALS**

### **6.1 City Infrastructure**

The application was referred to City Infrastructure, with their comments summarised below:

- Proposed early works impact existing street lights, street furniture and other utility services. The relevant service authority consent shall be sought prior to the removal and / or relocation of these services and infrastructure.
- Standard civil infrastructure conditions.

#### Officer comment

The above matters shall be addressed through permit conditions, noting the approval of servicing authorities would occur as separate processes.

### **6.2 Site Services**

The application was referred to Site Services, with their comments summarised below:

- No objection to the proposed staging and sequencing of works across the precinct including the proposed early works.
- Standard Construction Management Plan conditions will be applicable.

#### Officer comment

Construction Management Plan conditions are recommended, noting the applicant will need to have regard to the staging of the development as indicated within the proposed development plan.

### **6.3 Transport Engineering**

The application was referred to Transport Engineering, with their comments summarised below:

- The application will involve the operation of the site during early works and a process for returning traffic related assets to the City of Melbourne. Permanent closure of Franklin Street eastbound carriageway within the site boundaries is an important factor that will be considered.
- As these considerations are requirements of upcoming construction activities, they will likely be addressed through a future Construction Management Plan that will include a Construction Traffic Management Plan.

#### Officer comment

The above matters are capable of being addressed through the Construction and Traffic Management Plan processes, as well as consideration of the development plan application and planning permit applications for the development.



## 6.4 Urban Forest & Ecology

The application was referred to Urban Forest & Ecology, with their comments summarised below:

- Given the trees identified for removal are within Parcel D, will no longer be in Council ownership, and there are future plans that will allow for replacement tree planting, there are no objections to this application.
- Public trees surrounding the application area may be impacted during demolition and construction works and as such, standard conditions are recommended. The Tree Protection Plan is to be incorporated with the Construction Management Plan.

### Officer comment

The above comments are capable of being addressed through permit conditions and notes.

## 7 ASSESSMENT

Permission is being sought for early works to facilitate the staged redevelopment of Parcel D, which is the subject of a concurrent development plan application and planning permit applications as detailed above. The works involve excavation and construction of a basement corresponding with the indicative layout of the proposed basement for Towers 1 and 2, as well as partial demolition and dismantling of the canopy to the Franklin Street Stores.

This is consistent with the relevant planning assessment framework, in particular the requirements of the DPO11, as discussed in the following sections.

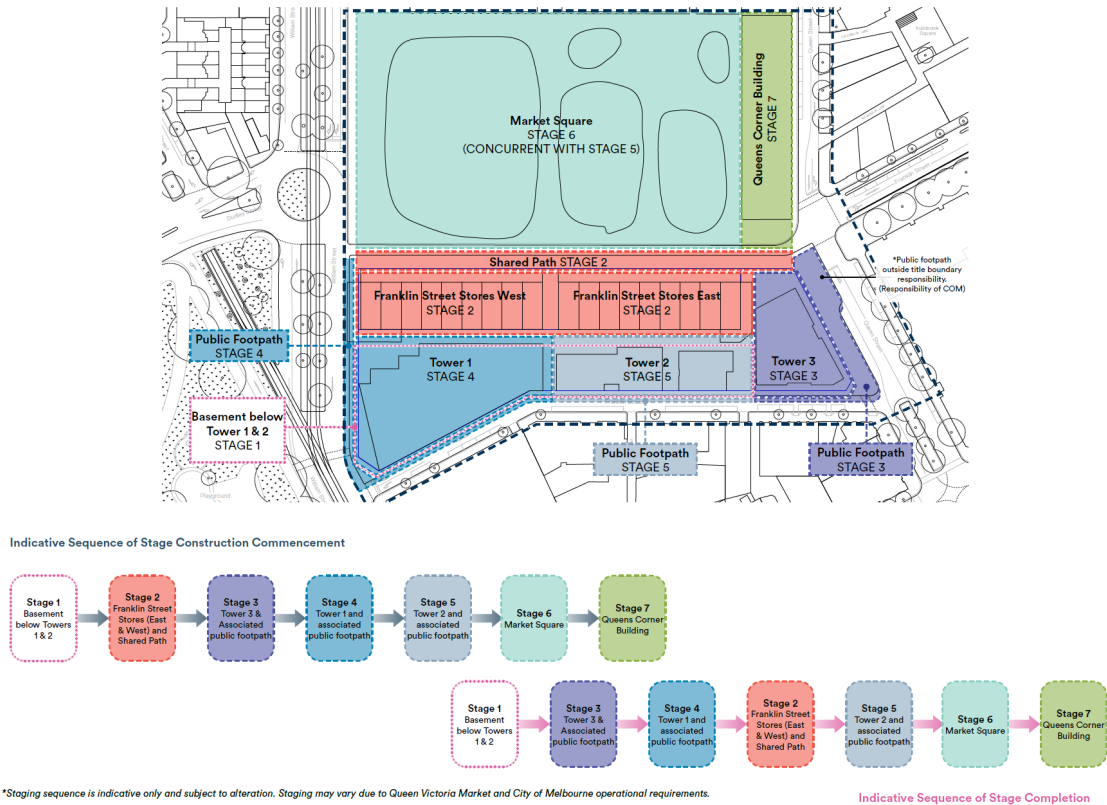
### 7.1 Compliance with the DPO11

The proposed early works satisfy the requirements at Clause 2.0 of DPO11 (Conditions and requirements for permits), for the following reasons:

- While there is no approved development plan for the precinct, Clause 1.0 of DPO11 provides that a permit may be granted before a development plan has been prepared to the satisfaction of the Responsible Authority. The Responsible Authority must be satisfied that the grant of a permit will not prejudice the future use or development of the land in an integrated manner.

The proposed early works are consistent with the proposed Queen Victoria Market Southern Precinct Development Plan, December 2023 under application DP2302292 (TPMR-2023-7). A determination is yet to be made, however it is noted that the proposed development plan is supported subject to the recommendations contained in the delegate report for that application. The early undertaking of these works will facilitate a more efficient delivery of the area and would not unreasonably impact on the public realm.

- The proposed early works would not prejudice the future use and development of the land in an integrated manner, as it would facilitate the staged redevelopment of the land under the concurrent development plan application and planning permit applications for Towers 1, 2 and 3. The works shown on the plan are confined to demolition, excavation and construction of basement walls. The layout of the works aligns with the title boundary of Parcel D, and do not include any external structures or any detailed internal layout that could prejudice the determination of concurrent applications.



**Figure 10: Staging Plan from the proposed Queen Victoria Market, Southern Precinct Development Plan (DP2302292/TPMR-2023-7)**

- The Construction Management Plan submitted with the application generally addresses the relevant requirements at Clause 2.0 of DPO11. Council’s Site Services team have recommended standard conditions for the approval and endorsement of this plan.
- The proposal does not conflict with the built form requirements of Table 1 to DPO11 noting the mandatory requirements for Parcel D relate to podium heights, tower setbacks and separation.
- The application is generally in accordance with the Queen Victoria Market Precinct Framework Plan 2017, being contained entirely within the Parcel D development area.
- The proposed early works are generally in accordance with the Vision at Clause 3.0 of DPO11 as they would facilitate the development documented in the proposed Queen Victoria Market Southern Precinct Development Plan, December 2023.

## 7.2 Cultural Heritage

The site is located within an area of Aboriginal Cultural Heritage Significance due to its proximity to registered cultural heritage places within the Queen Victoria Market land. The proposed works are considered a high impact activity under the *Aboriginal Heritage Regulations 2018*, triggering a mandatory requirement for the approval of a Cultural Heritage Management Plan (CHMP). CHMPs for the overall project, including the works proposed under this application, have been approved (reference numbers 14125 and 17098). The works proposed under this application would be required to comply with all conditions contained within the approved CHMPs.

### 7.3 Depth limitation on title

The land is formally known as Crown Allotment 2057 at West Melbourne, City of Melbourne, Parish of Melbourne North. The title identifies a depth limitation of 15 metres beneath the early works activity area. The proposed excavation as shown on the submitted plans complies with this restriction.

It is noted that there are three locations, associated with future building support foundations, which exceed the depth limitation as shown below. The construction of building support foundations which exceed the depth limit on the freehold title of a Crown Allotment is authorised under the Government Gazette dated 18 July 2002. Therefore, these encroachments do not result in any breach of the depth limitation.

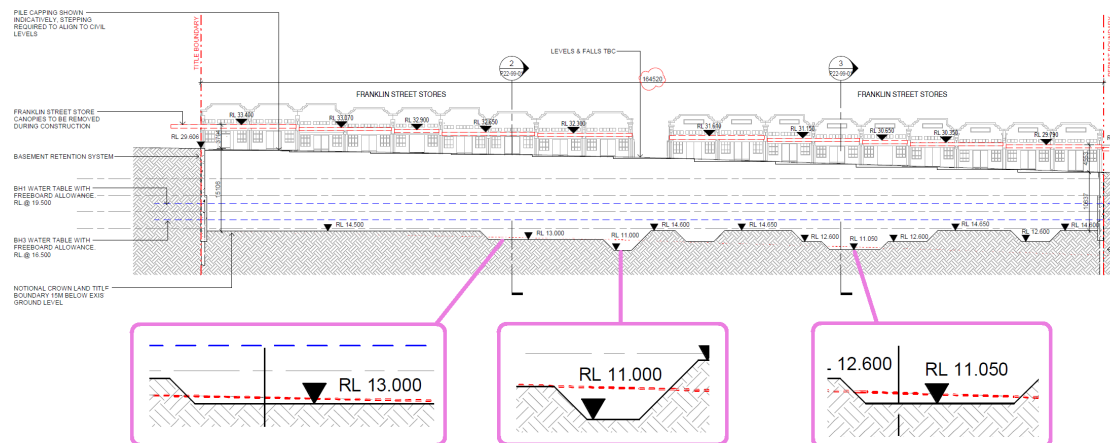


Figure 11: Sectional elevation highlighting depth limitation and allowable encroachments

### 7.4 Conclusion

For the reasons discussed in this report, it is considered that the proposed works are acceptable and would facilitate an efficient construction program in realising the development of the precinct. It is recommended that this application be supported subject to conditions.

## 8 RECOMMENDATION

That the Future Melbourne Committee resolves to advise the Department of Transport and Planning that the City of Melbourne supports the application subject to the following conditions:

### Endorsed plans

1. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

### Demolition in Capital City Zone

2. The owner must construct temporary works on the land to the satisfaction of the Responsible Authority in the following scenarios:
  - a) The land remains vacant for 6 months after completion of the demolition;
  - b) Demolition or construction activity ceases for a period of 6 months; or
  - c) Construction activity ceases for an aggregate of 6 months after commencement of the construction.



Prior to the commencement of construction of the temporary works, details of the works must be submitted to and be to the satisfaction of the Responsible Authority.

Temporary works may include:

- d) The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage; or
- e) Landscaping of the site for the purpose of public recreation and open space.

### **Construction Management Plan and Tree Protection Plan**

3. Prior to the commencement of the development, a detailed Construction Management Plan, inclusive of a Tree Protection Plan, must be submitted to and be approved by the Melbourne City Council – 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.
  - g) Staging.
  - h) A Tree Protection Plan (TPP) which must identify all impacts to public trees, be in accordance with *AS 4970-2009 – Protection of trees on development sites*, and include:
    - i. City of Melbourne tree asset numbers.
    - ii. Site specific details of the temporary tree protection fencing to be used to isolate trees from the demolition and or construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
    - iii. Specific details of any special works methodologies to be used within the Tree Protection Zone of any trees. These must be provided for any utility connections or civil engineering works.
    - iv. Full specifications of any pruning required to trees with reference to marked images.
    - v. Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
    - vi. Details of the frequency of the Project Arborist monitoring.

Once approved, the Construction and Traffic Management Plan will be endorsed to form part of the permit.

### **Groundwater management**

4. All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Council's drainage

network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.

### **Underground drainage**

5. 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 Melbourne City Council – City Infrastructure. This system must be constructed prior to the occupation of the development and provision made to connect this system to the Melbourne City Council underground stormwater drainage system.

### **Existing street lighting not removed without approval**

6. Existing public street lighting must not be removed without first obtaining the written approval of the Melbourne City Council – City Infrastructure. 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 street furniture not removed without approval**

7. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Melbourne City Council – City Infrastructure.

### **Expiry**

8. This permit will expire if one of the following circumstances applies:
  - 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 development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

### **Notes**

#### **Building Approval Required**

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.

#### **Building Works to Accord with Planning Permit**

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.

#### **Other Approvals May be Required**

This permit does not represent the approval of other departments of City of Melbourne 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.

#### **Drainage Point and Method of Discharge**

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.

### **Civil Design**

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – City Infrastructure Branch.

### **Urban Forest and Ecology**

Prior to the removal of any trees, the City of Melbourne must be given at least 4 weeks' notice.

In accordance with the Tree Retention and Removal Policy a bank guarantee must be:

1. Issued to City of Melbourne, ABN: 55 370 219 287.
2. From a recognised Australian bank.
3. Unconditional (i.e. no end date).
4. Executed (i.e. signed and dated with the bank stamp).

Please note that insurance bonds are not accepted by the City of Melbourne. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology team. Please email [trees@melbourne.vic.gov.au](mailto:trees@melbourne.vic.gov.au) to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

At the time of lodgement of the bank guarantee the completed Project Arborist Confirmation Form must be provided. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the health of the subject public trees has not been compromised.

Approval for any tree removal is 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 to significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.

All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of trees to be removed, must be met by the applicant / developer / owner of the site. The costs of these works will be provided and must be agreed to before Council remove the subject trees.

All new or replacement tree plots must utilise structural soils to increase soil volume and rooting area.

Tree species must be in accordance with the City of Melbourne Future Climate Ready species lists.