

Report to the Future Melbourne Committee

Agenda item 6.1

Planning Permit Application: TP-2021-603 Queen Victoria Market, Food Hall – 65-81 Victoria Street, Melbourne

9 November 2021

Presenter: Larry Parsons, Head of Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application seeking approval for demolition in the Capital City Zone, Schedule 1 (CCZ1). The application facilitates the redevelopment of the Queen Victoria Market Food Court (the construction works are exempt from planning permission) at 65-81 Victoria Street, Melbourne (refer Attachment 2 - Locality Plan).
2. The applicant is Tract Consultants Pty Ltd who is acting on behalf of Melbourne City Council. The architect is BSPN Architecture.
3. The land is located within the Capital City Zone, Schedule 1 (CCZ1) and is affected by the Heritage Overlay Schedule 7 and Schedule 496 (HO7 and HO496), Design and Development Overlay Schedule 1, Schedule 4, and Schedule 14 (DDO1, DDO4 and DDO14), and Parking Overlay Schedule 1 (PO1).
4. A planning permit is required under the provisions of the CCZ1 for demolition only. All other matters are exempt from requiring a planning permit due to heritage approval by Heritage Victoria and the Local Government Projects provisions at Clause 52.31 of the Melbourne Planning Scheme.
5. The Site is listed as 'Significant' within the Heritage Places Inventory February 2020 Part A (Amended May 2021) and is listed in the Victorian Heritage Register (Reference Number H0734). Heritage Victoria (HV) have issued a permit for the redevelopment works (HV permit reference P35301).
6. Although not a relevant consideration of this application, it is noted that structures to be demolished were erected in the mid 1990's and are not considered to be of heritage value (refer Attachment 3 – Selected Plans).
7. The application is exempt from public notice and no objections were received.

Key issues

8. Key issues for consideration of the application is the appropriateness of the proposed demolition in the Capital City Zone, Schedule 1 (CCZ1).
9. The proposed demolition is supported as it is associated with redevelopment of the site, with prior approval for the redevelopment granted by Heritage Victoria (Heritage Permit P35301).
10. The proposal will facilitate the refurbishment of the existing Food Hall to support the ongoing role of the Queen Victoria Market as a retail and visitor destination.

Recommendation from management

11. That the Future Melbourne Committee resolves that a Planning Permit be granted subject to the conditions outlined in the Delegate Report (refer Attachment 4 of the report from management).

Attachments:

1. Supporting Attachment (Page 2 of 21)
2. Locality Plan (Page 3 of 21)
3. Selected Plans (Page 4 of 21)
4. Delegate Report (Page 7 of 21)

Supporting Attachment

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.

Finance

2. There are no direct financial issues arising from the recommendations contained in this report.

Conflict of interest

3. 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

4. Relevant planning considerations and potential amenity impacts that could impact on health and safety have been considered within the planning permit application and assessment process.

Stakeholder consultation

5. The application is exempt from public notice under Clause 67.02 and Clause 52.31 of the Melbourne Planning Scheme.

Relation to Council policy

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

Environmental sustainability

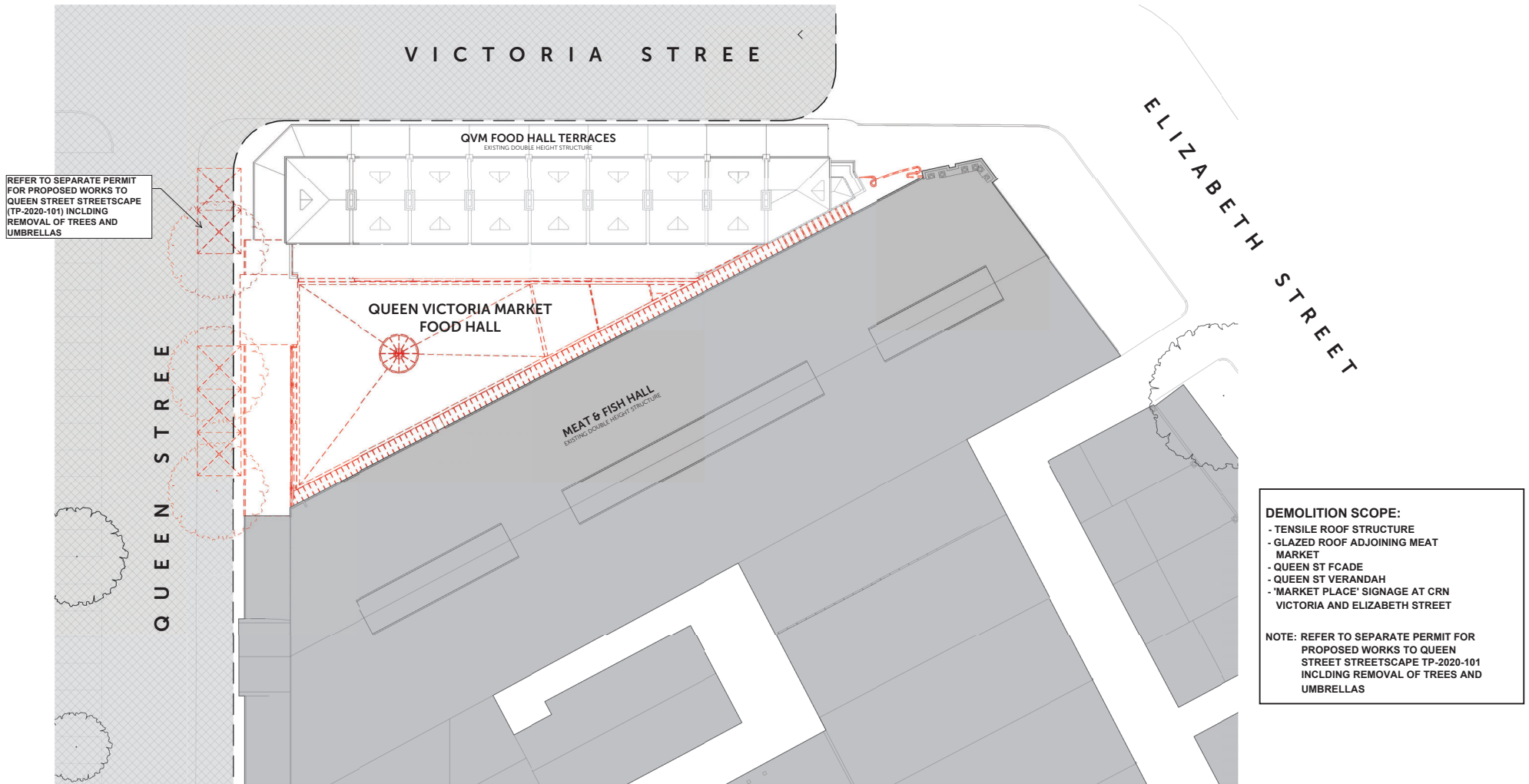
7. The proposal requires planning permission for demolition only and the requirements set out in in Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management) and Clause 53.18 (Stormwater Management in Urban Development) of the Melbourne Planning Scheme do not apply.

Locality Plan

65-81 VICTORIA STREET, MELBOURNE

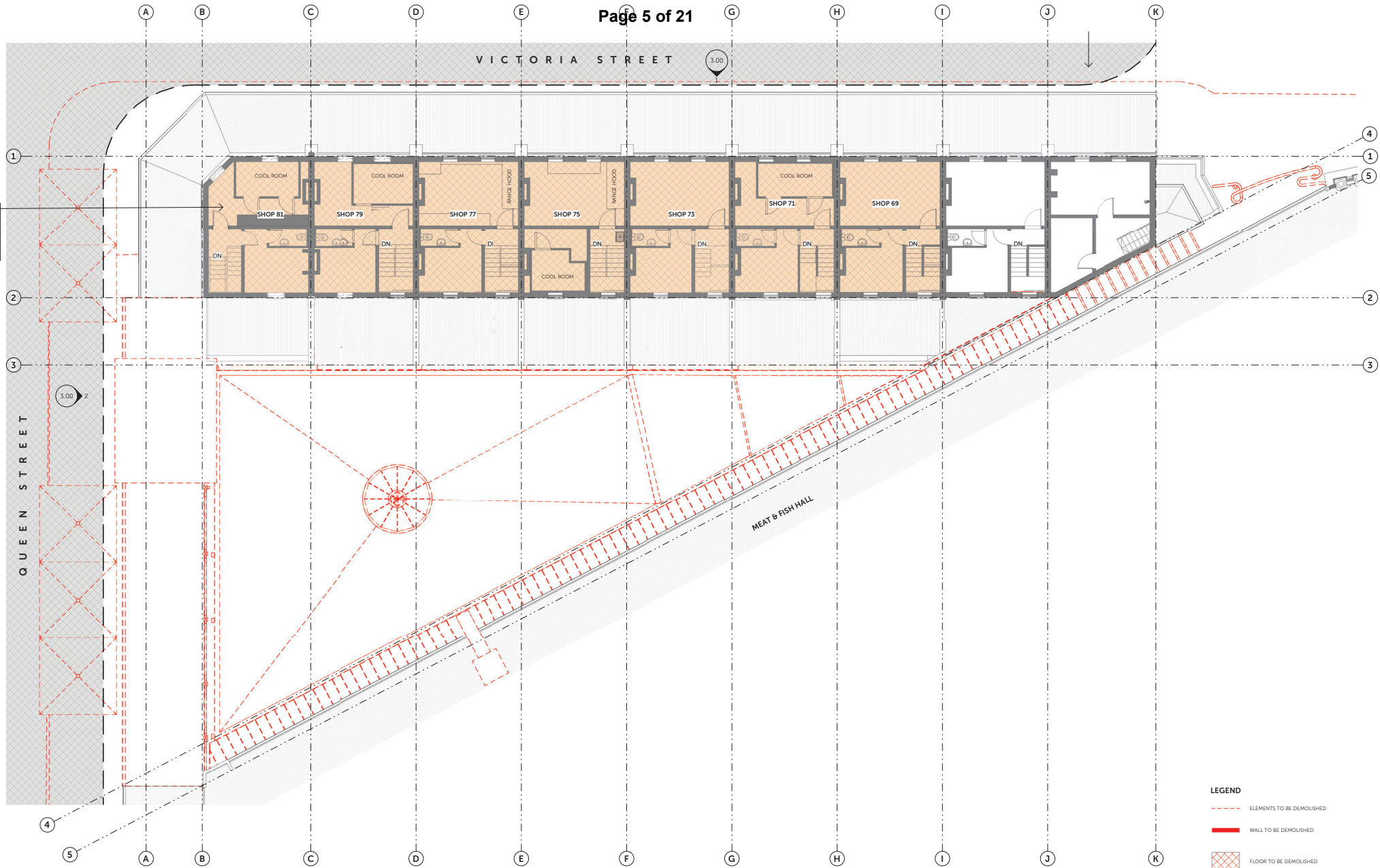
Attachment 2
Agenda item 6.1
Future Melbourne Committee
9 November 2021





1 EXISTING & DEMOLISHED SITE PLAN
1:200

INTERNAL UPGRADE WORKS TO EXISTING FOOD TENANCIES BY OTHERS AND SUBJECT OF SEPARATE FUTURE APPLICATION

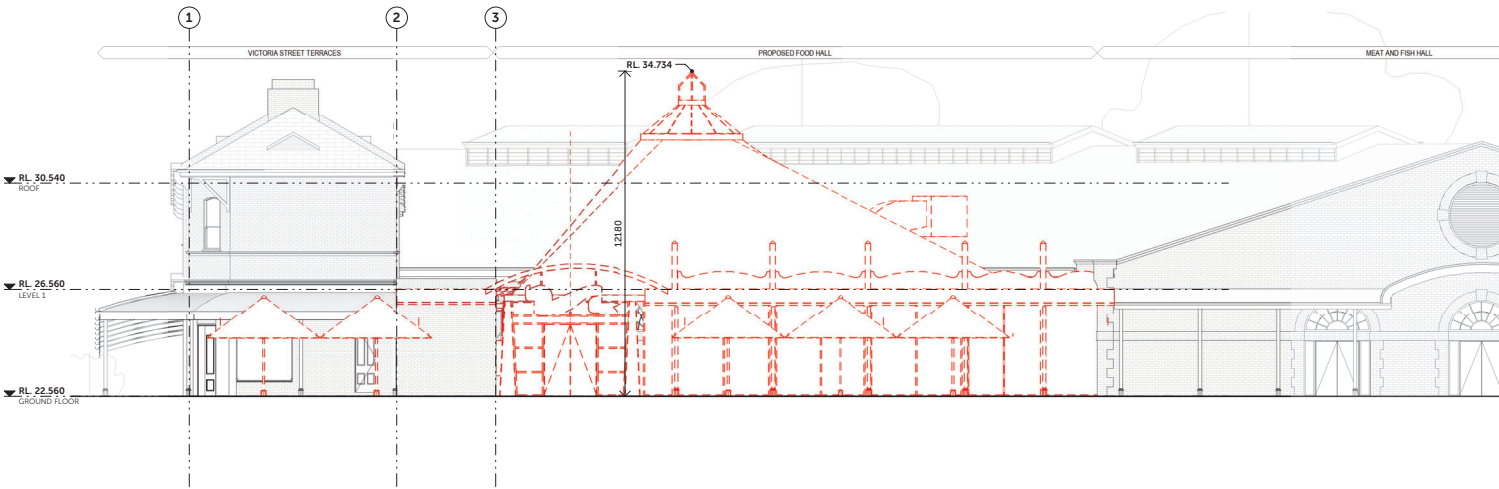


- LEGEND**
- - - ELEMENTS TO BE DEMOLISHED
 - WALL TO BE DEMOLISHED
 - X X X X FLOOR TO BE DEMOLISHED

1 PROPOSED LEVEL 1 PLAN
1:100



1 EXISTING ELEVATION - NORTH (VICTORIA STREET)
1:100



2 EXISTING ELEVATION - WEST (QUEEN STREET)
1:100

DEMOLITION SCOPE:

- TENSILE ROOF STRUCTURE
- GLAZED ROOF ADJOINING MEAT MARKET
- QUEEN ST FCADE
- QUEEN ST VERANDAH
- 'MARKET PLACE' SIGNAGE AT CRN VICTORIA AND ELIZABETH STREET

NOTE: REFER TO SEPARATE PERMIT FOR PROPOSED WORKS TO QUEEN STREET STREETScape TP-2020-101 INCLUDING REMOVAL OF TREES AND UMBRELLAS

LEGEND
- - - - - ELEMENTS TO BE DEMOLISHED

DELEGATE REPORT

PLANNING PERMIT APPLICATION

Application number:	TP-2021-603
Applicant:	Tract Consultants Pty Ltd for Melbourne City Council
Owner:	Melbourne City Council
Architect	BSPN Architecture
Address:	65-81 Victoria Street, MELBOURNE VIC 3000
Proposal:	Demolition in the Capital City Zone, Schedule 1 (CCZ1)
Cost of works:	\$79,200
Date of application:	13 September 2021
Responsible officer:	Ryan Cottrell, (Acting) Principal Urban Planner

1 SITE AND SURROUNDS

1.1 Subject Site

This application relates to the land known as:

- Queen Victoria Market (**QVM** / the **Market**), 65-81 Victoria Street, Melbourne (the **Site**), and/or;
- Crown Allotment 1D Section A on Title Plan 076247Y (the **Site**).

The Market is located on the northern periphery of the CBD, south-east of the intersection of Peel Street and Victoria Street, Melbourne (Figure 1).

Crown Allotment 1D has an area of 10,400 square metres and is bound by Victoria Street, Elizabeth Street, Therry Street, and Queen Street. The allotment contains Sheds G, H and I, the Meat and Fish Hall, Dairy Produce Hall, Food Hall and Victoria and Elizabeth Street terraces.

The Site's Title Plan (TP 76247Y) does not contain any easements or restrictions relevant to this application.

This application relates specifically to the north-east corner of the Market that contains a food hall (the **Food Hall**). The Food Hall has an area of approximately 1,106 square metres (Figure 2).

The Food Hall comprises a row of Victorian period two storey brick terraces that line Victoria Street that service a seated area south of the buildings that is covered by a fabric canopy with central spire that was built in the mid-1990's (Figure 3 and 4).

Directly abutting the Food Hall to the south is the Meat & Fish Hall, a one storey brick building built in 1869.

Melbourne Planning Scheme Incorporated document: *Heritage Places Inventory February 2020 Part A (Amended May 2021)* (the **Inventory**) affords the Site a 'Significant' category in a 'Significant' category streetscape.

The Site is included on the Victorian Heritage Register (**VHR**) (Reference Number H0734) and the National Heritage List (Place ID 106277).

The Site is identified as a place of potential Aboriginal cultural heritage significance.

The land has a registered agreement between Melbourne City Council, the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Incorporated, and the Minister for Planning that relates to consultation with the Wurundjeri Council to ensure minimum disturbance of the Aboriginal place.

The applicant has provided an approved Cultural Heritage Management Plan (**CHMP**) in support of the application.

Figure 1 – Locality map



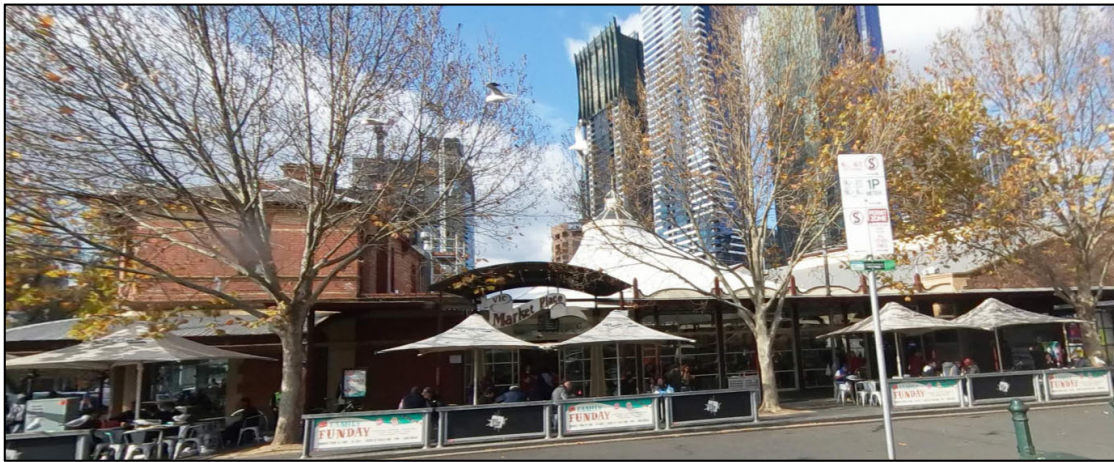
Figure 2 – The Food Hall



Figure 3 – Victoria Street terraces



Figure 4 – View of the Food Hall from Queen Street



1.2 Site Surrounds

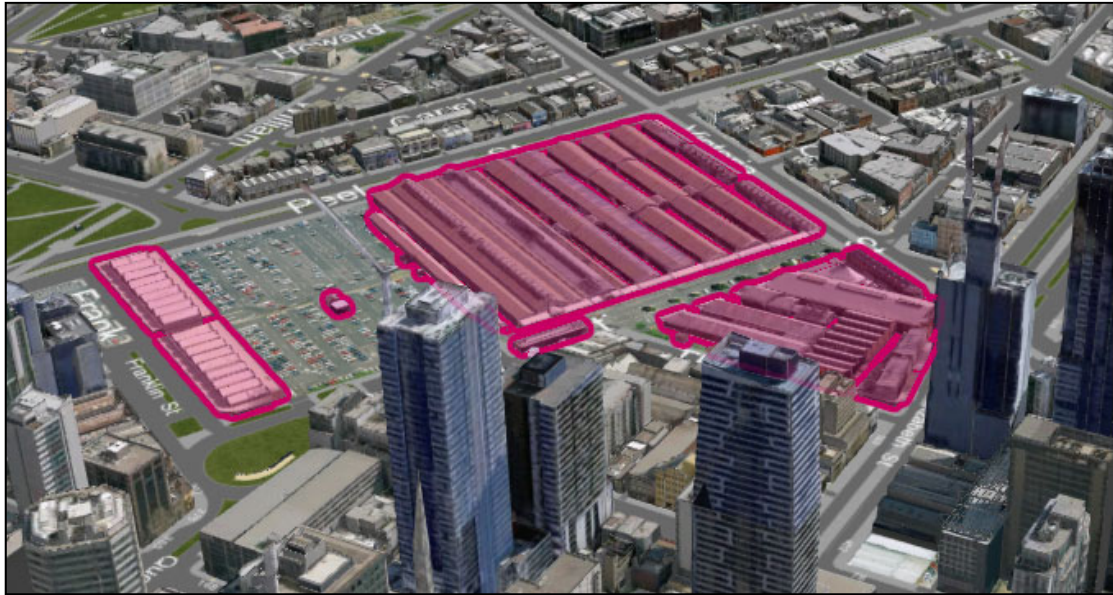
The immediate surrounds form part of the Queen Victoria Market precinct, which comprises several retail and commercial properties.

The built form surrounding the Site varies with large scale towers to the south and lower scale development to the north (Figure 5).

The existing land uses in the surrounding area are predominantly commercial in nature and include a variety of mixed-use market related activities.

To the west of the Food Hall there are several trees that line Queen Street within the Market. These trees are planned to be removed as part of a separate approved planning permit application (TP-2020-101) that will introduce a new waste and service hub and provide hard and soft landscaping.

Figure 5 – 3D view of the surrounds (Looking north-west)



2 BACKGROUND AND HISTORY

2.1 Planning Application History

The following applications, listed as considered relevant to the current proposal, have previously been considered for the Site and surrounding sites (Table 1):

Reference	Property Address	Description of Proposal	Decision & Date
TP-1994-632	Queen Victoria Market	Erect food court at Queen Street market.	No permit required.
PA-2019-356	Queen Victoria Market	Pre-application for QVM works.	Completed: 31/07/2019
HV-2020-6 (Heritage Victoria Ref: P32629)	Queen Victoria Market	Installation of services within Sheds A, B, C, D, H and I, construction of a new centralised waste and recycling facility, installation of operable bollards, retractable gates and a new raised street edge to facilitate segregated loading, and associated landscaping and public realm works within Queen Street.	HV Permit issued: 03/12/2020
HV-2020-5 (Heritage Victoria Ref: P30767)	Queen Victoria Market	Demolition of the Meat Market Annex and toilet block building and construction of a new three-storey, plus four level basement building to be known as 'Trader Shed' and associated public realm upgrades.	HV Permit issued: 03/12/2020

TP-2020-89	Queen Victoria Market	Demolition, construction of a building and works, and alteration of access to a road in a Road Zone - Category 1 in accordance with the endorsed plans ('Trader Shed').	Permit issued: 14/05/2021
TP-2020-101	Queen Victoria Market	Demolition, buildings and works, and alteration of access to a road in a Road Zone - Category 1 in accordance with the endorsed plans ('Northern Shed' within Queen Street).	Permit issued: 20/05/2021
HV-2020-5 (Heritage Victoria Ref: P35301)	Queen Victoria Market	Demolition of the existing tensile roof and facade to Queen Street, minor demolition to the ground level rear wall of the Victoria Street terraces, and the construction of a new Food Hall, including a new roof and Queen Street facade and verandah as well as improved dining facilities ('Food Hall Redevelopment').	HV Permit issued: 28/09/2021

2.2 Planning Scheme Amendments

Victorian Planning Scheme Amendment VC211 is of relevance. The amendment introduces exemptions from public notice for local government projects provided certain criteria are met.

2.3 Relevant Strategic Documents

2.3.1 Queen Victoria Market Precinct Renewal Master Plan 2015

The Queen Victoria Market Precinct Renewal Master Plan (the **Master Plan**) is a reference document under Clause 21.17 of the Melbourne Planning Scheme (MPS).

The Master Plan sets a broad vision for the market and contains the following strategic vision:

The future vision for Queen Victoria Market is of a thriving and diverse market place that is loved by locals and a must see for tourists.

The vision contains the following strategic directions:

- A market of markets. A place that supports and encourages sustainable market trading in all its varieties.
- A Melbourne experience. A place to experience Melbourne's local character, liveability and identity.
- A community meeting place. A place to meet and connect with the diverse and vibrant communities of Melbourne.

The Master Plan divides the Market into four quarters, each linked to the other by a market cross of public spaces with the heart of the precinct.

The proposal relates to the Food Hall which is in Quarter 1. The priorities for Quarter 1 are:

- *Resolve conflicts between service vehicles and public access.*
- *Improve access for delivery including off-street loading and set-up areas, wash-down service and storage facilities.*
- *Improve trader facilities including showers, toilets, breakout spaces and storage.*

- *Improve waste management and recycling facilities for meat and fish offal, organics and packaging.*
- *Develop sustainable precinct-wide infrastructure for power, waste management and recycling.*
- *Improve adaptability of trading spaces.*

The Master Plan identifies the following key improvements for the Food Hall:

- *Focus on cafe and hospitality uses.*
- *Integrate with trading opportunities in Victoria Street.*
- *Make active seven days a week and in evenings.*

2.3.2 QVM Peoples Panel Report 2018

The CoM established a 40 person People's Panel for the QVM in August 2018 that would represent traders, customers, residents and stakeholders to deliberate on the future of the QVM and to represent the QVM with a range of voices to inform future recommendations to the Council.

The Panel's mandate was to consider options to address the Market's ageing infrastructure, operational requirements, trader's needs and car parking.

The Panel formed the following key principles (and objectives) relating to the above:

- Ensure a sustainable economic future for the QVM.
 - Ensure market infrastructure provides the QVM management and traders with the opportunity to grow the market, diversify the offer and free up more space for new traders and events.
- Deliver the QVM Pty Ltd operating requirements.
 - Deliver infrastructure essential to improve operating efficiency for the market as set out in the attached summary. This includes back-of-house trader and operator storage, loading requirement, basic services, amenities, cleaning and waste management, and security.
- Provide a safe and secure environment for all users of the QVM.
 - Ensure QVM is a safe place for customers, traders and visitors, through the provision of infrastructure that complies with best practice workplace health and safety and food safety, and that minimises risk at the site from security incidents.
- Minimise disturbance to former Old Melbourne Cemetery.
 - Avoid impacts to human remains within the boundary of the Old Melbourne Cemetery, and if sub-surface works are required, keep disturbance to a minimum.
- Protection of Aboriginal cultural values and sites.
 - Ensure that the market infrastructure provision protects and recognises Aboriginal cultural sites at the market precinct.
- Minimise impact to the historic, architectural and aesthetic significance of the market.
 - Ensure that market infrastructure minimises impacts to the historical, architectural and aesthetic values of the site.

3 PROPOSAL

3.1 Plans / Reports considered in assessment

This application has been lodged on behalf of the City of Melbourne for development within the Queen Victoria Market. The plans which have been considered in this assessment are identified in Table 2 below:

Table 2: Plans / Reports considered in assessment		
Plan / Report Title	Drawing/ Report No.	Dated
Copy of Title	Crown Allotment 1D Section A on Title Plan 076247Y, Volume 10315, Folio 173.	10/09/2021
Cultural Heritage Management Plan - Notice of approval	Signed by Harry Webby, Director Heritage Services Aboriginal Victoria	12/05/2020
Cultural Heritage Management Plan	Extent Heritage Advisors	29/04/2020
Planning Report	Tract Consultants Pty Ltd	21/09/2021
Quantity Survey (development costing)	Donald Cant Watts Corke	18/02/2021
Development drawings	BSPN Architecture drawings: 0.10 (REV A), 1.02 (REV A), and 3.00 (REV A).	01/07/2021

The quantity survey is of relevance as it relates to the total cost of works for the project. The survey itemises all the works that would require a planning permit and confirms the total cost of works (including demolition) is \$765,816.

3.2 Summary of proposed development

The proposal, as shown on the plans referenced in Table 2 above, seeks planning approval for demolition of the covering over the Food Hall and facade of the Food Hall at Queen Street.

The proposed demolition is to facilitate the redevelopment / establishment of a new Food Hall. The overall Food Hall redevelopment comprises:

- Demolition of the existing fabric roof and Queen Street façade.
- Construction of a new 'butterfly' roof and Queen Street façade.
- Maintenance and renewal of existing air conditioning, tenancy mechanical (kitchen exhausts), electrical and lighting services.
- Internal fit-out works to renew the furniture, fittings, flooring, and toilet amenities.
- Minor demolition to internal masonry walls to provide for increased internal openings and new DDA bathrooms.

This application only relates to demolition as the construction works do not require a planning permit. Refer to Section 4 of this report for more detail.

This application seeks approval for the demolition of:

- The sign at the entrance to the Food Hall at Victoria Street.
- An ATM located in one of the Victoria Street retail stores.

- The contemporary glass entrance and windows to the Food Hall at Queen Street between the Victoria Street retail shops and the Meat and Fish Hall.
- The contemporary fabric canopy and structure that covers the Food Hall.

3.3 Key Excerpts from Development Plans

Excerpts from the development plans are found at Figures 6, 7, 8, and 9.

Figure 6 – Proposed demolition plans (Ground level and roof)

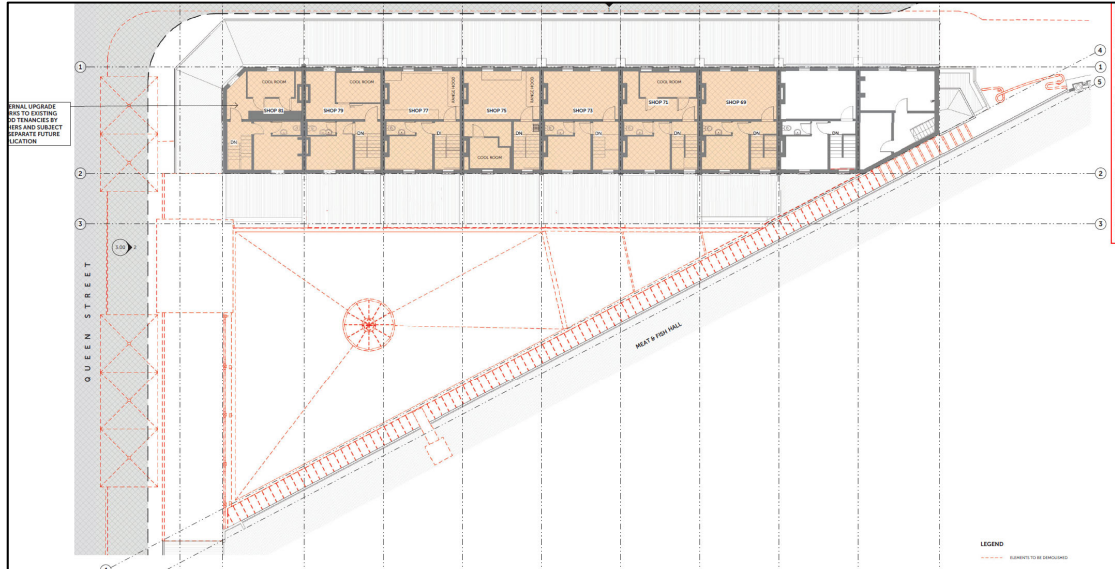


Figure 7 – Proposed demolition – Victoria Street



Figure 8 – Proposed demolition – Queen Street

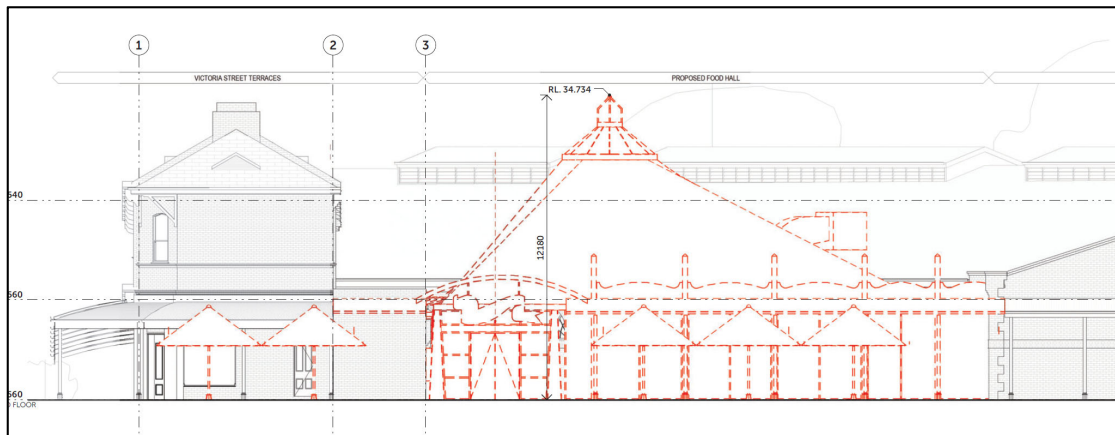



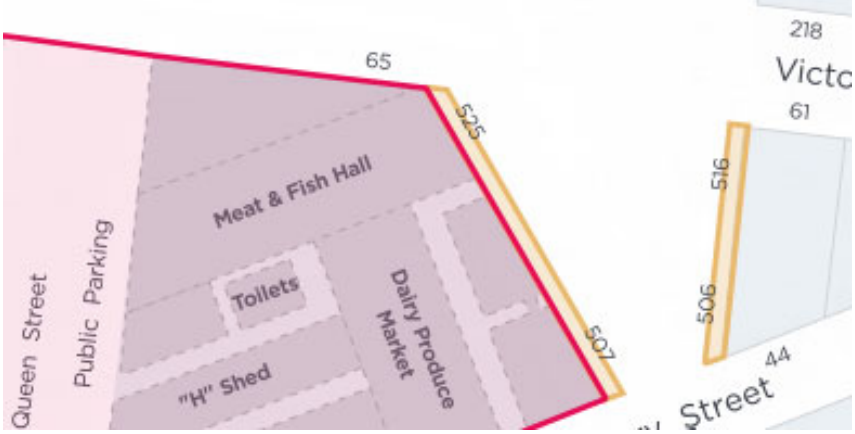
Figure 9 – Proposed redevelopment render (reference only / not part of this application)



4 STATUTORY CONTROLS

The following provisions of the Melbourne Planning Scheme apply (Table 3):

Table 3: Statutory Controls	
Clause	Permit Trigger
<p>Clause 37.04 Capital City Zone Schedule 1</p>	<p>Pursuant to Clause 37.04, Schedule 1, a Retail Premises, which includes a Market, is a Section 1 use and does not require a permit.</p> <p>Pursuant to Clause 37.04-4, a planning permit is required to:</p> <ul style="list-style-type: none"> ▪ Construct a building or construct or carry out works unless the schedule to this zone specifies otherwise. ▪ Demolish or remove a building or works if specified in the schedule to this zone. <p>Pursuant to Clause 62.02-1, any requirement in this scheme relating to the <u>construction of a building or the construction or carrying out of works</u> (does not include demolition), other than a requirement in the Public Conservation and Resource Zone, does not apply to buildings or works with an estimated cost of \$1,000,000 or less carried out by or on behalf of a municipality.</p> <p>The proposal is lodged on behalf of Melbourne City Council and the works that would require a permit are less than \$1,000,000; as such, a permit is not required for the new development.</p> <p>Pursuant to Clause 4.0 of Clause 37.04, Schedule 1, <u>a permit and prior approval is required to demolish or remove a building or works.</u></p>
<p>Clause 43.01 Heritage Overlay Schedule 7 (Queen Victoria Market Precinct)</p>	<p>Pursuant to Clause 43.01-3, <u>no permit is required under this overlay</u> to develop a heritage place which is included in the Victorian Heritage Register, other than an application to subdivide a heritage place of which all or part is included in the Victorian Heritage Register.</p> <p>The Site is listed in the Victorian Heritage Register (VHR) under reference number H0734; as such, no planning permit is required.</p>

<p>Schedule 496 (Queen Victoria Market, 65-159 Victoria Street, West Melbourne)</p>	<p>The required heritage permit has been issued by Heritage Victoria.</p>
<p>Clause 43.02 Design and Development Overlay Schedule 1</p>	<p>In this instance, DDO1 only affected the Site along the Elizabeth Street frontage of the Site. No works are proposed within DDO1; therefore, <u>a permit is not required under this overlay.</u></p> 
<p>Clause 43.02 Design and Development Overlay Schedule 4</p>	<p>In this instance, DDO4 only applies to the Elizabeth Street frontage of the Market. The overlay does not affect the proposal; therefore, <u>a permit is not required under this overlay.</u></p> 
<p>Clause 43.02 Design and Development Overlay Schedule 14 – Area 17</p>	<p>Pursuant to Clause 62.02-1, any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to buildings or works with an estimated cost of \$1,000,000 or less carried out by or on behalf of a municipality.</p> <p>The proposal is lodged on behalf of Melbourne City Council and the works that would require a permit are less than \$1,000,000; as such, <u>a permit is not required under this overlay.</u></p> <p>Clause 2.0 of Clause 43.02, Schedule 14 states that buildings and works should not exceed the Maximum Building Height specified in the table to this schedule.</p> <p>Area 17 of Schedule 14 to Clause 43.02 stipulates a maximum building height of 10 metres.</p> <p>The land to the west, including Queen Street, is affected by Area 16 which has a maximum building height of 7 metres.</p>

<p>Clause 45.09 Parking Overlay Schedule 1</p>	<p>Clause 45.09, Schedule 1 provides maximum rates for dwellings and uses other than dwellings.</p> <p>Pursuant to Clause 2.0, a permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule.</p> <p>The application does not seek to insert car parking; therefore, <u>a permit is not required under this overlay.</u></p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.</p> <p>The proposal seeks to maintain the existing use within the existing floor area; therefore, <u>Clause 52.34 does not apply and a permit is not required.</u></p>

5 STRATEGIC FRAMEWORK

Planning Policy Framework (PPF)

- Clause 15 – Built Environment and Heritage
- Clause 17 – Economic Development.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

- Clause 21.02 – Municipal Profile
- Clause 21.02-4 – Creative City Of Melbourne
- Clause 21.05-5 – Prosperous City Of Melbourne
- Clause 21.03 – Vision
- Clause 21.06 – Built Environment and Heritage
- Clause 21.11 – Local Areas
- Clause 21.12 – Hoddle Grid.

Local Policies

- Clause 22.01 – Urban Design within the Capital City Zone

Particular provisions

- Clause 52.31 – Local Government Projects.

General Provisions

- Clause 65 – Decision Guidelines
- Clause 67 – Land Owned or Permit Required by Responsible Authority.

6 PUBLIC NOTIFICATION

Normally, an application of this nature would be exempt from notice and review, with both the Capital City Zone, Schedule 1 (Clause 4) stating:

An application to demolish or remove a building or works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

In this instance, Melbourne City Council is the permit applicant which means the above notice exemption does not apply.

Section 96 of the *Planning and Environment Act 1987* provides for instances where land is owned or a permit is required by responsible authorities; including Melbourne City Council for this application.

Pursuant to Clause 67.02 of the Melbourne Planning Scheme, where an application is made under Section 96 of the *Planning and Environment Act 1987*, notice must be given in accordance with Section 52(1)(c) of the Act to:

- The owners and occupiers of adjoining land.
- The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust.

This does not apply to an application:

- **To which the exemption from notice and review in clause 52.31-2 applies.**
- To construct or put up for display a sign.
- To remove, destroy or lop native vegetation under clause 52.17.
- If a permit is only required under the Bushfire Management Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Salinity Management Overlay or Special Building Overlay.

Pursuant to Clause 52.31-2, an application under any provision of this planning scheme to develop land by or on behalf of a municipal council is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

This exemption does not apply to:

- An application for a development with an estimated cost of more than \$10 million.
- An application for a development associated with the use of land for accommodation, earth and energy resources industry, energy generation facility, industry or warehouse.
- An application to remove, destroy or lop more than:
 - 0.5 hectares of native vegetation other than a tree.
 - 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
 - 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

The proposal complies with the exemption at Clause 52.31-2; therefore, the application is exempt from the notice requirements of section 52(1)(c) as per Clause 67.02.

Notice was not required to be given and was not given.

7 OBJECTIONS

The application did not receive any objections.

8 INTERNAL REFERRALS

This application was not required to be referred internally.

The application was not referred to the City of Melbourne's heritage advisor. The proposed demolition relates to non-original structures on the land and heritage is not a relevant planning consideration as Heritage Victoria have granted a Heritage Permit for the proposal.

The application was not required to be referred to the City of Melbourne's waste team as all of the market relies on the centralised waste management plan, which is not proposed to change as part of this planning application.

The application was not required to be referred to the City of Melbourne's civil engineers as the footpath at Queen Street is being reconstructed under a separate planning permit (TP-2020-101).

The application was not required to be referred to the City of Melbourne's Urban Forestry team regarding the protection of the trees at Queen Street as the trees adjacent to the Food Hall are to be removed under a separate planning permit (TP-2020-101).

No other referral was required as a permit is not required for the new structures listed at Section 3 of this report.

9 EXTERNAL REFERRALS

The application was not required to be referred to any external referral authority.

10 ASSESSMENT

The application seeks planning approval for the demolition in the Capital City Zone, Schedule 1 (CCZ1). The considerations relevant to this application are limited to the purpose and decision guideines of the CCZ1 regarding demolition.

Note: Heritage is not considered in this assessment as Heritage Victoria is the decision maker for heritage matters in this instance.

10.1 CCZ1

The CCZ1 does not contain specific decision guidelines for demolition. The CCZ1 contains a permit requirement for demolition to ensure sites within the CCZ are not left vacant for extended periods of time.

The proposal responds appropriately to the purpose and decision guidelines of the CCZ1 for the following reasons:

- The works align with the purpose of the Capital City Zone as they seek to enhance the function of a use that complements the locality – the Market.
- It is understood there is no intention to leave the site vacant for an extended period of time as the entire project has received support from the Future Melbourne Committee of Melbourne City Council (refer to the agenda minutes item 6.6 of the Future Melbourne Committee – 13 April 2021 where the project was supported unanimously).

Note: Clause 4.0 to Clause 37.04, Schedule 1 (CCZ1) requires prior approval for replacement for development when considering approval for demolition.

Section 2.1 of this report confirms that prior approval for the replacement works has been obtained in the form of Heritage Victoria development approval under their permit Reference P35301).

- The proposal seeks to facilitate the refurbishment of the existing Food Hall to support the ongoing role of the Queen Victoria Market as a CBD retail and visitor destination.
- An approved Cultural Heritage Management Plan has been submitted with this application, ensuring the protection and conservation of places of Aboriginal cultural heritage significance in accordance with Clause 15.03-2/S.

- The works directly respond to the goals of the Queen Victoria Market Precinct Renewal Master Plan 2015 by:
 - Providing for the improvement of a public space for casual use with opportunities to gather, eat and relax.
 - Making way for increased shade and public seating.
- The proposal aligns with the QVM People's Panel Report 2018 by:
 - Avoiding disturbance to the Old Melbourne Cemetery.
 - Protecting Aboriginal cultural values and sites through receiving an approved Cultural Heritage Management Plan.

10.2 Other Matters to Consider

10.2.1 Construction matters

Given the scale of the proposed development and proximity to the operating areas of the market, it is recommended that any permit issued includes a permit condition requiring a demolition management plan to the satisfaction of the City of Melbourne's Construction Management Group. This will allow for the reasonable control of any impact the proposed works may have on the surrounding locality.

11 RECOMMENDATION

That the Future Melbourne Committee resolve to issue a Planning Permit for the proposal subject to conditions. The permit should contain the following preamble:

Demolition in the Capital City Zone, Schedule 1 in accordance with the endorsed plans.

12 CONDITIONS

Compliance with 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 Management Plan

2. Prior to the commencement of the development, a detailed demolition management plan must be submitted to and be approved by the Melbourne City Council – Construction Management Group. This demolition 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.

Permit Expiry

3. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within three years of the date of this permit.

- b) The development is not completed within five 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:

- 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.
- 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.
- 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.
- All necessary approvals and permits are to be first obtained from the City of Melbourne's Infrastructure and Assets Branch and the works performed to the satisfaction of the responsible road authority.