

Report to the Future Melbourne Committee

Agenda item 6.1

Ministerial Planning Referral: TPM-2020-57 428 Queen Street, 432 - 438 Queen Street, 440 Queen Street, 446 - 450 Queen Street, 132 - 136 Franklin Street, 146 Franklin Street and Council Lane 1184, Melbourne

15 June 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 Ministerial Application seeking approval of a Development Plan: QVM Parcel B Development Plan, Melbourne. The Development Plan is to facilitate the future development of the land at 428 Queen Street, 432 - 438 Queen Street, 440 Queen Street, 446 - 450 Queen Street, 132 - 136 Franklin Street, 146 Franklin Street and Council Lane 1184, Melbourne (refer Attachment 2 – Locality Plan).
2. The applicant is QVM Development Pty Ltd c/- Tract Pty Ltd, the owners are QVM Development Pty Ltd, Franklin QVM Pty Ltd, the City of Melbourne (Council Lane 1184) and the architect is Bates Smart Pty Ltd.
3. The Site consists of a number of properties located on the north eastern corner of Queen Street and Franklin Street, Melbourne. The Site is within the Queen Victoria Market Precinct and is directly opposite the existing at-grade car park and south-west of the Queen Victoria Market sheds. The Site has an area of approximately 2200 m². There are a number of contributory heritage graded buildings on the Site, which will be considered in the future assessment of permit applications.
4. The Site is located within the Capital City Zone Schedule 1 (CCZ1) and Heritage Overlay 07 (Queen Victoria Market Precinct), Design and Development Overlay Schedules 1 Area 2 (Active Street Frontage), Development Plan Overlay 11 (Queen Victoria Market Precinct) and Parking Overlay Schedule 1 (PO1).
5. The Development Plan comprises of two stages and includes two built form envelopes and internal laneways. The podium heights vary from 20 metres to 40 metres and the tower heights vary from 50 metres for Stage 2 to 67 metres for Stage 1. Vehicle access to both stages is via Council Laneway (CL1184) which runs east-west and bisects the Site.
6. The development plan application is running concurrently with planning application (TPM-2020-49). An application for a planning permit can only be approved after a development plan has been approved.
7. The Department of Environment, Land, Water and Planning (DELWP), on behalf of the Minister for Planning, has informally referred the Development Plan application to Council for comment.

Key issues

8. The proposed Development Plan provides a vision and concept scheme for QVM Parcel B. Subject to the recommendations, the proposed Development Plan meets the requirements set out in Schedule 11 to the Development Plan Overlay.
9. The Development Plan responds positively to the QVM Precinct Framework Plan 2017 and the Vision Statements and built form outcomes contained in DPO11. The street wall heights nominated in the proposed Development Plan respect those of DDO11, and although the overall heights exceed the discretionary 40 m of DDO11, the built form moderates a transition to the proposed public open space and the future visitor centre. The proposed building envelopes do not cast a shadow across the Flagstaff Gardens or the proposed (car park) public open space between 11am and 2pm on 22 June.
10. The podium heights fronting the central east-west lane have been reduced to 20-22 m to provide acceptable development equity and amenity outcomes.

Recommendation from management

11. That the Future Melbourne Committee resolves to advise the Department of Environment, Land, Water and Planning that the Melbourne City Council supports the Development Plan subject to the revised heritage impact statement outlined in the delegate report (refer to Attachment 4 of the report from management).

Attachments:

1. Supporting Attachment (Page 2 of 81)
2. Locality Plan (Page 3 of 81)
3. Selected Plans (Page 4 of 81)
4. Delegate Report (Page 57 of 81)

Supporting Attachment

Legal

1. The Minister for Planning is the Responsible Authority for determining this application.
2. The Minister for Planning has informally referred the Development Plan application to Council.

Finance

3. There are no direct financial issues 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 traffic and waste management and potential amenity impacts that could impact on health and safety have been considered within the Development Plan application and assessment process.

Stakeholder consultation

6. The notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* do not apply to an application for approval of a development plan.
7. DELWP, on behalf of the Minister for Planning, has referred the proposed Development Plan to the Council for comment and advice.
8. Consultation regarding the Development Plan is the responsibility of DELWP.

Relation to Council policy

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

Environmental sustainability

10. Clauses 22.19 (Energy, Water and Waste Efficiency) and 22.23 (Stormwater Management) of the Melbourne Planning Scheme are not applicable for Development Plans.

Locality Plan

Attachment 2
Agenda item 6.1
Future Melbourne Committee
15 June 2021

428 Queen Street, 432 - 438 Queen Street, 440 Queen Street, 446 - 450 Queen Street, 132 - 136 Franklin Street, 146 Franklin Street and Council Lane 1184, Melbourne



QVM PRECINCT PARCEL B DEVELOPMENT PLAN

PREPARED FOR THE DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING

REVISION B

APRIL 2021

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**ARCHITECTURE
INTERIOR DESIGN
URBAN DESIGN
STRATEGY**

MELBOURNE

1 Nicholson Street
Melbourne Victoria
3000 Australia
T +61 3 8664 6200
F +61 3 8664 6300

SYDNEY

43 Brisbane Street
Surry Hills New South Wales
2010 Australia
T +61 2 8354 5100
F +61 2 8354 5199

WWW.BATESSMART.COM

ABN 68 094 740 986

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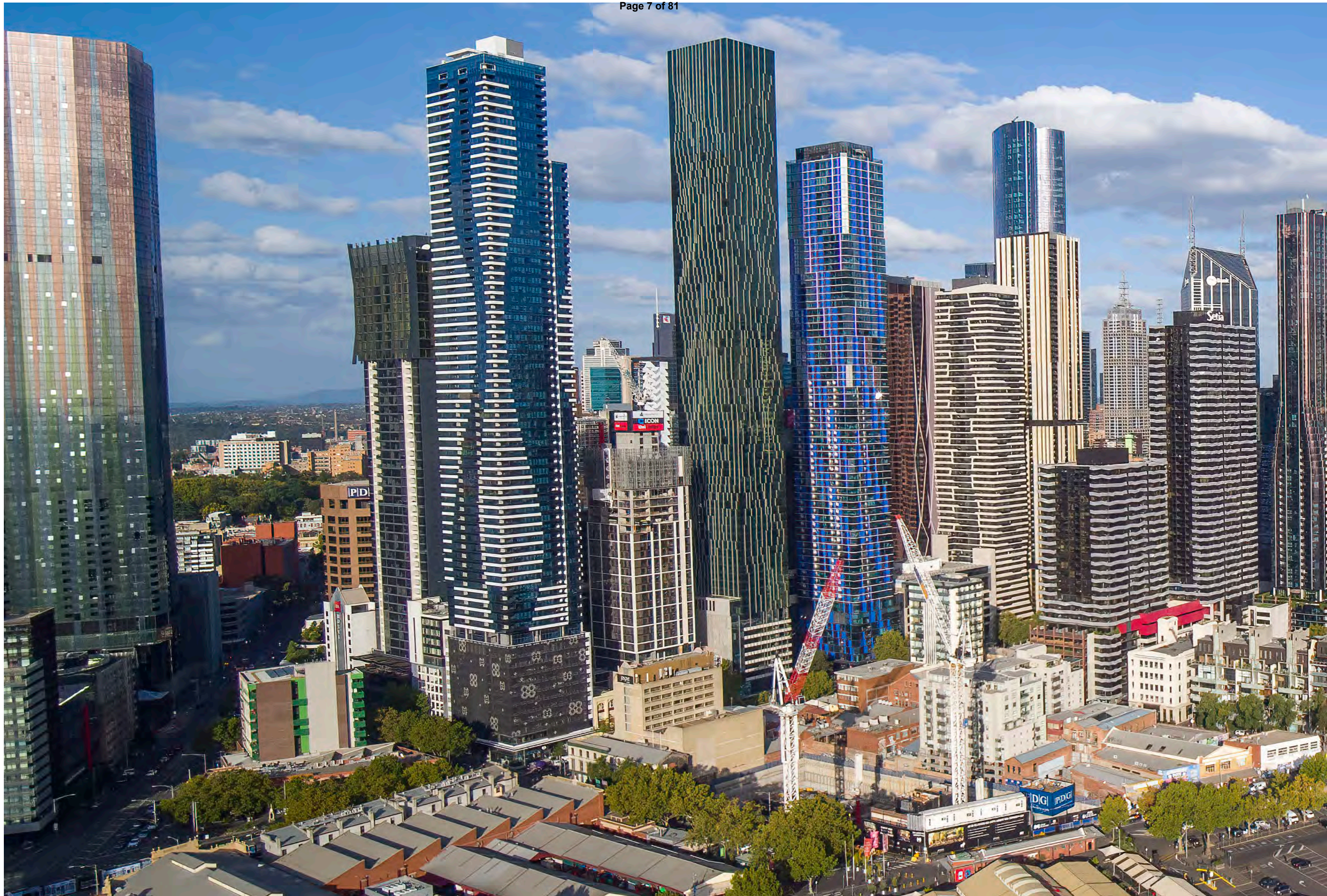
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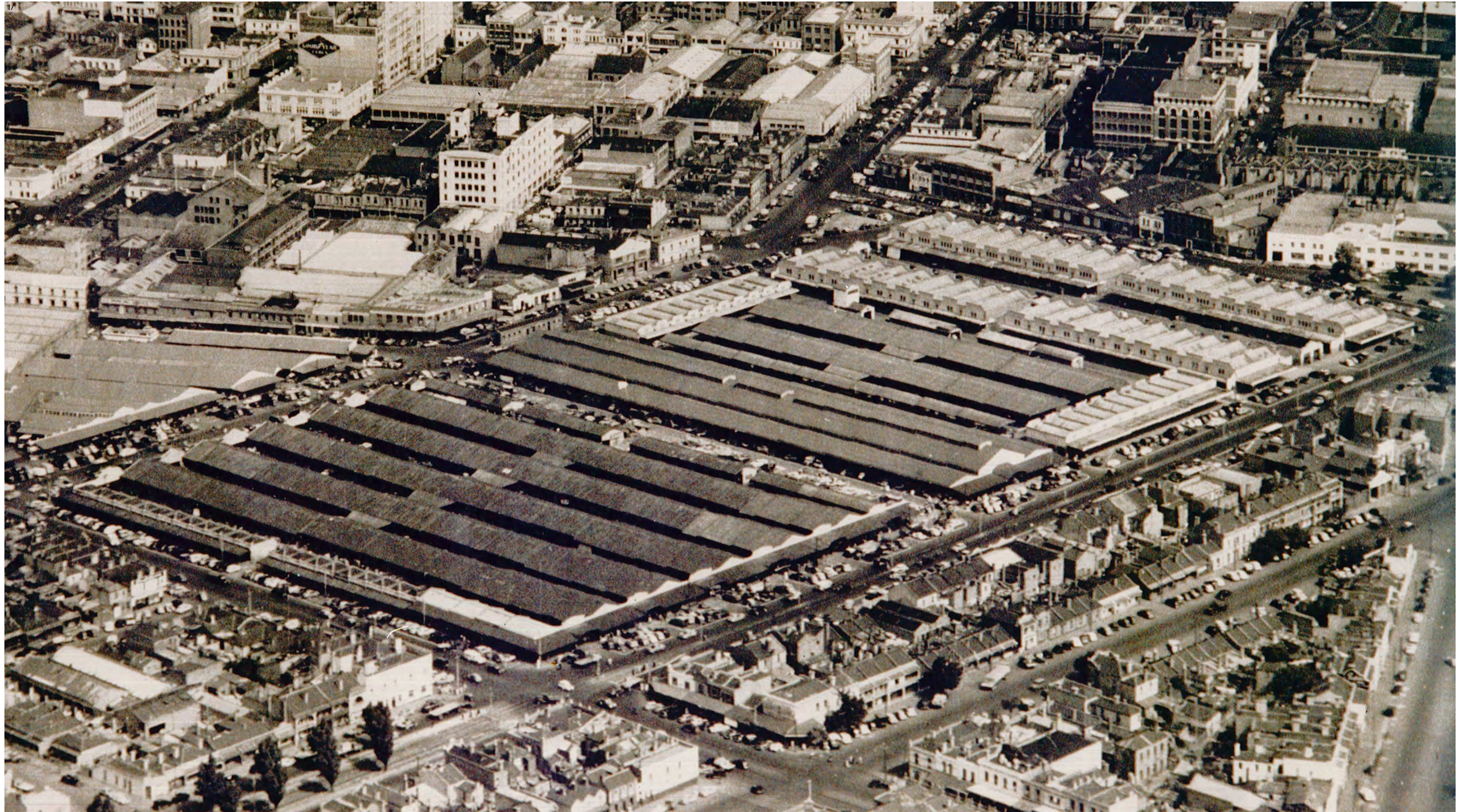


1.0 INTRODUCTION

*A measured transition to the Queen
Victoria Market*

1.1 QUEEN VICTORIA MARKET

The Queen Victoria Market since its inception in 1878 has been a place that brings together all the people of Melbourne. The Queen Victoria Market Masterplan proposed for the market and its surrounds will breathe new life into this corner of the city and this valuable piece of cultural infrastructure. It will deliver an array of new amenities for all city residents including green public parkland, underground parking, community facilities and a variety of residential dwelling types and retail opportunities.



PICTURED
1/ Queen Victoria Market 1950's

1.1 QUEEN VICTORIA MARKET



1.
PICTURED
1/ Queen Victoria Market 2020



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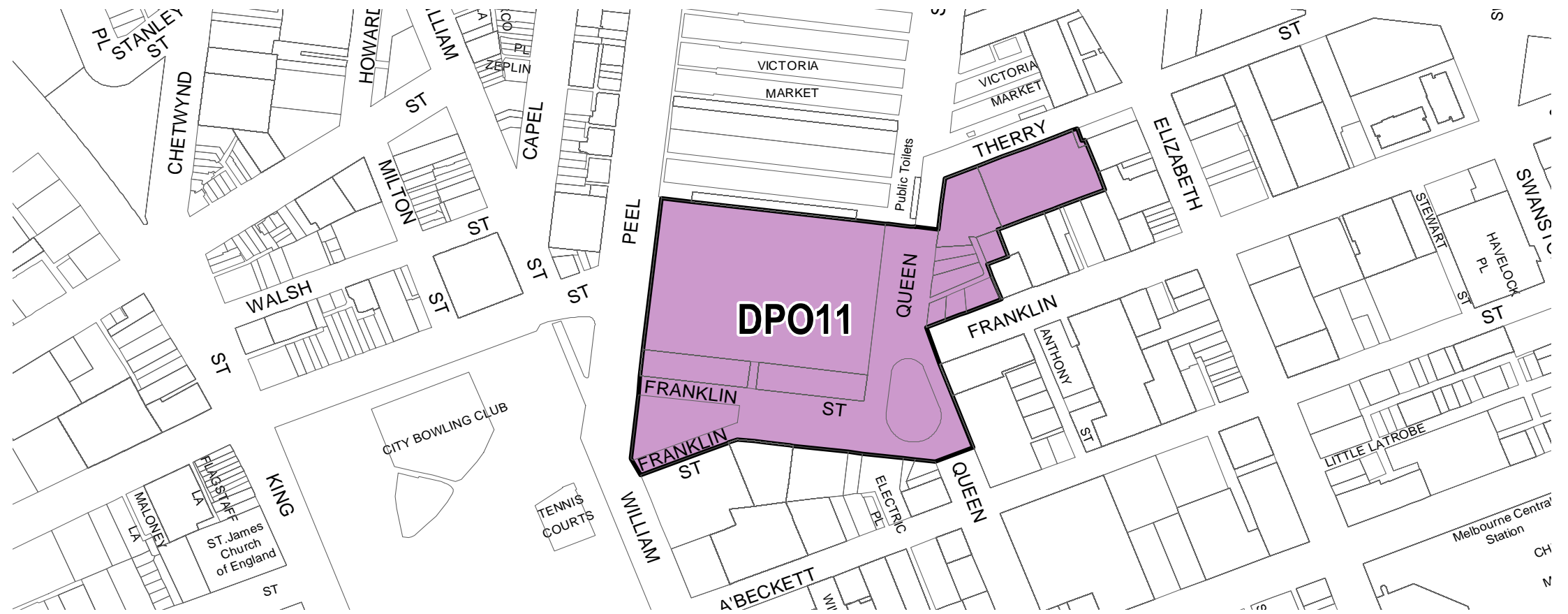
PICTURED
1/ Delicatessen
2/ Deli Hall
3/ Night Market
4/ Night Market
5/ Night Market

6/ Urban context
7/ Street Art

1.2 ROLE OF THE DOCUMENT

THE DEVELOPMENT PLAN

This Development Plan has been prepared having regard to the vision and requirements of Development Plan Overlay – Schedule 11 (DPO11 – Queen Victoria Market Environs). The purpose of this document is to guide the future use and development of the site in the context of the broader Queen Victoria Market (QVM) precinct.



DEVELOPMENT PLAN OVERLAY FOR THE QUEEN VICTORIA MARKET PRECINCT

1.3 DEVELOPMENT PLAN AREA

THE DEVELOPMENT PLAN

This Development Plan has been prepared specifically with respect to the land nominated as 'Parcel B' in Figure 3: Queen Victoria Market Precinct Framework Plan 2016 and comprises the following sites:

- 446-450 Queen Street
- 440 Queen Street
- 432-438 Queen Street
- 428 Queen Street
- 146 Franklin Street
- 132-136 Franklin Street

Collectively for the purposes of this Development Plan, the site is referred to as 'Parcel B'. This Development Plan has been titled the 'QVM Precinct Parcel B Development Plan'.



1.4 QVM PRECINCT RENEWAL MASTER PLAN



KEY IMPROVEMENTS

- 1 Queen Street between Victoria and Therry streets (C2')**
 - Enhance as a public space for casual use with opportunities to gather, eat and relax.
 - Accommodate temporary market stalls and programmed events.
 - Remove parking and vehicular traffic.
 - Separate service vehicle operation from public activity.
 - Increase shade and public seating.
 - 2 Therry Street and Queen Street, between Therry and Franklin streets (C1, C3')**
 - Enhance as a public space for casual use and small scale programmed events with opportunities to gather, sit, eat and relax.
 - Minimise vehicular traffic, eliminate through traffic, and increase pedestrian space.
 - Separate service vehicle operation from public activity.
 - Increase shade and public seating.
 - Remove the existing toilet building (to be replaced elsewhere).
 - Provide bicycle parking.
 - 3 J Shed**
 - Enhance J Shed as a pedestrian connection and continue to support flexible market trading.
- 4 New pavilions for customer services (E3, E4')**
 - 5 Bike parking**
 - 6 Public seating**
 - 7 Infrastructure upgrade**
 - Improve sustainable precinct-wide infrastructure including power, water, waste and recycling systems.
 - Improve lighting and directional signage.

/ The Queen Victoria Market Precinct Renewal Master Plan, July 2015 is a reference document under Schedule 11 to the Development Plan Overlay. This document set out the terms of the formal agreement between the State Government and the City of Melbourne regarding the realignment of Franklin Street and the transfer of Crown land, including key development timing obligations.

/ The document also set out some of the background to the preparation of the Master Plan, including the purchase of the 'Munro site' by the City of Melbourne, community and trade consultation and feedback and the need for a review of development controls in the area.

/ The Master Plan also set a broad strategic vision for the QVM as well as three strategic directions to guide delivery of the vision.

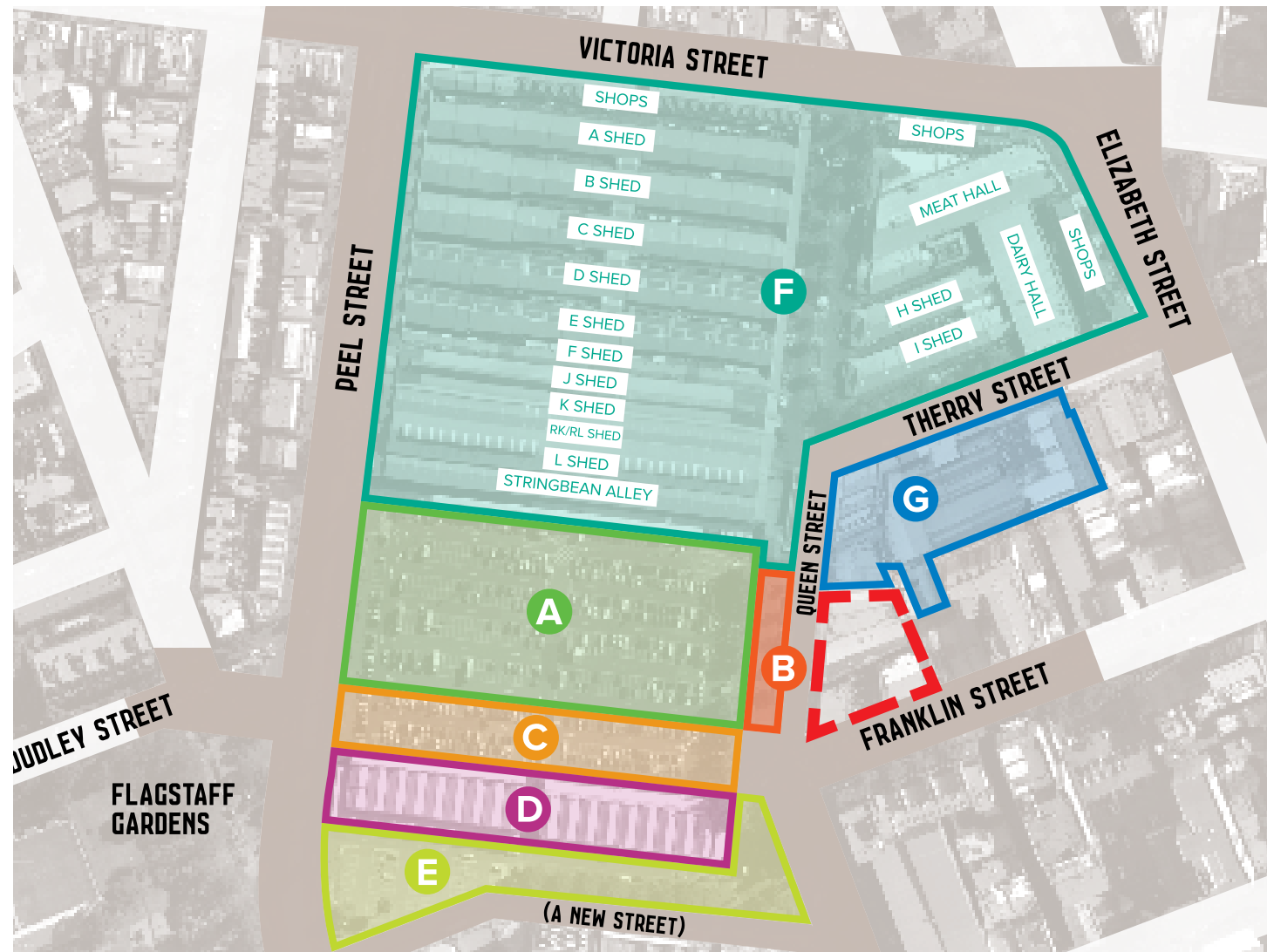
/ Parcel B was not included in the initial QVM Precinct Renewal Master Plan. The precinct was expanded at a later date to include Parcel B as a moderating transition to the precinct as part of the amendment / panel process.

/ 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

/ Strategic Direction 1: A market of markets. A place that supports and encourages sustainable market trading in all its varieties.

/ Strategic Direction 2: A Melbourne experience. A place to experience Melbourne's local character, liveability and identity.

/ Strategic Direction 3: A community meeting place. A place to meet and connect with the diverse and vibrant communities of Melbourne.



Key development timing obligations

- A** Replace current car spaces within the existing at grade car park (A) elsewhere within the market precinct by 2019, and convert the existing car park to a high quality public space by 2022.
- B** Construct a new Queen's Corner building within a portion of the Queen Street road reserve (B) for the Victoria Visitor Centre and new market management facilities by 2026.
- C** Construct New Franklin Street by 2019 (C).
- D** Reconfigure land parcels
- E** Including the retained Franklin Street stores (D) and portions of the Franklin Street road reserve (E) to create mixed use development sites by 2026.
- F** Enhance and renovate northern Upper Market Sheds to support trading and incorporate new market trading services and facilities by 2019.
- Upgrade streetscapes adjoining Queen Victoria Market (Elizabeth, Peel, Queen, Therry and Victoria streets) and public transport infrastructure by 2026.
- G** Corner Queen and Therry streets (commonly known as the Munro site)*



1.5 DEVELOPMENT PLAN OVERLAY DPO11

31/08/2017 C245

3.0 Requirements for development plan

The Development Plan must be generally in accordance with the *Queen Victoria Market Precinct Framework Plan 2017* at Figure 1.

The Development Plan must be consistent with the following Vision:

- / Development will contribute to the Melbourne CBD's distinctive character and reinforce the distinction between the Hoddle Grid and Queen Victoria Market,
- / Development will preserve and enhance the heritage significance of the Queen Victoria Market.
- / Use and development will contribute to safe and activated streets and public spaces via appropriately scaled podiums that incorporate ground floor uses that foster interaction with the street and uses at upper levels that achieve passive surveillance of public spaces.
- / Use and development defines and activates the Queen Victoria Market's edge as a special place that does not overwhelm the public domain and does not adversely affect its heritage significance.
- / Development will be configured and designed to ensure that appropriate solar access to the proposed public open space shown on Figure 1 and Flagstaff Gardens is provided.
- / Development will be configured and designed to minimise negative amenity impacts of shadows on Flagstaff Gardens.
- / Parcel B will provide a moderating transition to the proposed public open space shown on Figure 1.

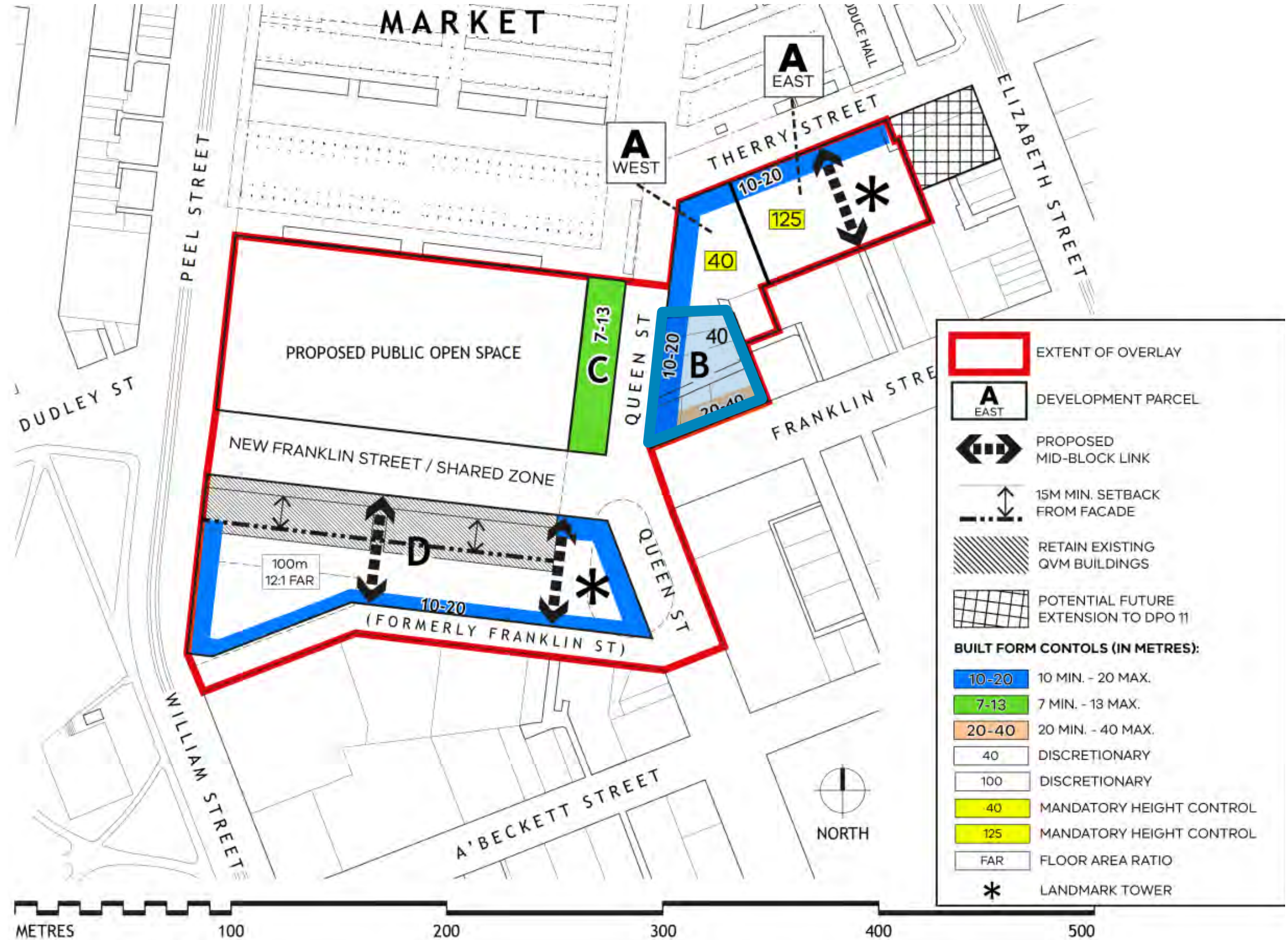


FIGURE 1 OF THE QUEEN VICTORIA MARKET PRECINCT FRAMEWORK PLAN 2017

 Subject Site

1.6 PLANNING CONTROLS DPO11

Parcel B

- Podium Height:**
Mandatory Max. 20m
- Tower Setback:**
Discretionary Min. from Frontage: 10m
Mandatory Min. from Frontage: 5m
Discretionary Min. from Sides / Rear /
CL of Laneways below 40m: 0m
Mandatory Min. from Sides / Rear /
CL of Laneways above 40m: 5m
- Tower Separation:**
Discretionary Min. 24m
Mandatory Min. 10m
- Building Heights:**
Discretionary Height 40m

Built Form	Requirements	Built Form Outcomes
Podium Height	Discretionary minimum podium heights	All building podiums should: / Be oriented to complement the street system and constructed to the street edge. / Be of a scale that provides appropriate level of street enclosure having regard to the width of the street. / Complement adjoining building podiums, / Include high quality treatments to side walls where visible above adjoining buildings. / Be of a height, siting and detailing that does not adversely affect the heritage significance of Queen Victoria Market or any adjoining heritage building(s). / Be designed to internalise above ground car parking behind active uses such as dwellings or offices to ensure a visual relationship between occupants of upper floors and pedestrians to improve surveillance of the public realm. / Be able to mitigate wind impacts of street level in accordance with the wind amelioration design standards of this schedule.
	Podiums fronting Therry Street and Queen Street north of laneway CL1184	10 metres
	Podiums fronting Queen Street south of laneway CL1184	10 metres
	Podiums fronting Franklin Street south of the laneway CL1184	20 metres
	Podiums fronting Little Franklin Street (labelled "Formerly Franklin Street" on Figure 1), New Franklin Street (as labelled on Figure 1), William Street and Queen Street	10 metres
	Mandatory maximum podium heights	
	Podiums fronting Therry Street and Queen Street north of laneway CL1184	20 metres
	Podiums fronting Queen Street south of laneway CL1184	20 metres
	Podiums fronting Franklin Street south of the laneway CL1184	40 metres
	Podiums fronting Little Franklin Street (labelled "Formerly Franklin Street" on Figure 1), New Franklin Street (as labelled on Figure 1), William Street and Queen Street	20 metres

Built Form	Requirements	Built Form Outcomes
Tower setbacks	Discretionary minimum tower setbacks from front of podium	Towers should be designed and spaced to: / Equitably distribute access to an outlook, sunlight between towers and to ensure adequate sun penetration at street level. / Ensure habitable room windows do not directly face one another and that consideration has been given to the development potential of adjoining lots. / Ensure sunlight, good daylight and privacy and an outlook from habitable rooms for both existing and proposed development can be provided. / Encourage the reasonable sharing of access to daylight and an outlook, and the mitigation of wind effects. / Ensure towers do not appear as a continuous wall at street level.
	Parcel B (as shown on Figure 1) fronting Queen Street	10 metres
	Mandatory minimum tower setbacks from front of podium	
	Parcel A (as shown on figure 1)	10 metres.
	Parcel B (as shown on Figure 1) fronting Franklin Street.	5 metres
	Parcel D (as shown on Figure 1) fronting the former alignment of Franklin Street	6 metres
	Mandatory minimum tower setback from the northern masonry facades of the existing Franklin Street Stores (Parcel D as shown on Figure 1)	15 metres
	Mandatory minimum tower setback from side boundaries and rear boundaries (or from the centre line of an adjoining lane*)	5 metres
	All other streets	10 metres
	On Parcel B only (as shown in Figure 1) mandatory minimum tower setback from side boundaries and rear boundaries (or from the centre line of an adjoining lane*) on buildings up to 40 metres in height, where the applicant can demonstrate to the satisfaction of the responsible authority that the reduction will not cause an unreasonable impact on the future development potential or amenity of adjoining sites. *lane means a road reserve of a public highway 9 metres or less wide	0 metres

1.6 PLANNING CONTROLS DPO11

Parcel B

- Podium Height:**
- Mandatory Max.* 20m
- Tower Setback:**
- Discretionary Min. from Frontage:* 10m
- Mandatory Min. from Frontage:* 5m
- Discretionary Min. from Sides / Rear / CL of Laneways below 40m:* 0m
- Mandatory Min. from Sides / Rear / CL of Laneways above 40m:* 5m
- Tower Separation:**
- Discretionary Min.* 24m
- Mandatory Min.* 10m
- Building Heights:**
- Discretionary Height* 40m

Built Form	Requirements		Built Form Outcomes
Tower separation	Discretionary minimum tower separation within a site and from existing or approved towers on adjoining sites	24 metres	Towers should be designed and spaced to: / Equitably distribute access to an outlook, sunlight between towers and to ensure adequate sun penetration at street level. / Ensure habitable room windows do not directly face one another and that consideration has been given to the development potential of adjoining lots. / Ensure sunlight, good daylight and privacy and an outlook from habitable rooms for both existing and proposed development can be provided. / Encourage the reasonable sharing of access to daylight and an outlook, and the mitigation of wind effects. / Ensure towers do not appear as a continuous wall at street level.
	Mandatory minimum tower separation within a site and from existing or approved towers on adjoining sites.	10 metres	
Building heights and Floor Area Ratios	Mandatory maximum building heights		
	Parcel A East (as shown on Figure 1)	125 metres	/ Parcel A: Ensure that development responds appropriately to the new public open space and the public realm. / Parcel B: Ensure that development provides a moderating transition to the proposed public open space and the future visitor centre. / Parcel C: Ensure that development is of a modest scale and form, is transparent and sympathetic to its setting.
	Parcel A West (as shown on Figure 1)	40 metres	
	Parcel C (as shown on Figure 1)	13 metres	
	Discretionary building heights **		/ Parcel D: Ensure that development responds appropriately to the new public open space and the Franklin Street stores.
	Parcel B (as shown on Figure 1)	40 metres	
	Parcel C (as shown on Figure 1)	7 metres	
	Parcel D (as shown on Figure 1)	100 metres with a floor area ratio of 12:1	

Built Form	Requirements	Built Form Outcomes
	<p>New development should not cast a shadow across Flagstaff Gardens or the proposed public open space in Figure 1 between 11.00am and 2.00pm on 22nd June, unless the Responsible Authority considers the overshadowing will not significantly prejudice the amenity of the open space.</p> <p>** Any application to exceed discretionary heights must be supported by 3D modelling and an assessment of the visual impact on the proposed public open space shown on Figure 1 to this schedule, Flagstaff Gardens and on the public realm.</p>	

1.7 VISION

DPO11 PRECINCT VISION

The 'Vision' set out at Clause 3 of Schedule 11 to the Development Plan Overlay is:

- / Development contributes to the Melbourne CBD's distinctive character by reinforcing the distinction between the Hoddle Grid and Queen Victoria Market.
- / Development will preserve and enhance the heritage significance of the Queen Victoria Market.
- / Use and development will contribute to safe and activated streets and public spaces via appropriately scaled podiums that incorporate ground floor uses that foster interactions with the street and uses to upper levels that achieve passive surveillance of public spaces.
- / Use and development defines and activates the Queen Victoria Market's edge as a special place that does not overwhelm the public domain and does not adversely affect its heritage significance.
- / Development will be configured and designed to ensure that appropriate solar access to the proposed public open space shown in Figure 1 and Flagstaff Gardens is provided.
- / Development will be configured and designed to minimise the negative amenity impacts of shadows on Flagstaff Gardens.
- / Development will provide for public spaces that are protected from adverse wind impacts so they are comfortable to use for outdoor cafes and walking.
- / Development will respect the future development potential of adjacent sites including access, privacy, sunlight, daylight and an outlook from habitable interiors and allow for an equitable spread of development potential on these sites.
- / Development will achieve a high standard of architectural quality and provide a high level of amenity for building occupants.
- / All existing 720 car parking spaces associated with the Queen Victoria Market will be relocated within Parcel A or Parcel D as shown on Figure 1 or within the Queen Victoria Market Precinct area and maintained to service the ongoing viability of the Queen Victoria Market.

- / Parcel A will be a new mixed use development complementing the Queen Victoria Market and proposed public open space. This parcel will accommodate fine grain retail, hospitality and community uses, commercial and residential apartments.
- / **Parcel B will provide a moderating transition to the proposed public open space as shown in Figure 1.**
- / Parcel C will be a new building that will help to activate the new open space, and provide a home for visitor services. The building will be of a modest scale and form, be transparent, be of an excellent standard of design excellence and be sympathetic to its setting.
- / Parcel D will be a mixed use development incorporating the Market's old Franklin Street stores. It will have active street frontages to all streets and new public pedestrian links through the block.
- / Proposals of land owned or controlled by the City of Melbourne, will give consideration to incorporating affordable housing.



PICTURED
1/ Queen Victoria Market 2020

1.8 ADDITIONAL REQUIREMENTS

The additional requirements for a Development Plan set out in Schedule 11 to the Development Plan Overlay are:

- / An Urban Context and Existing Conditions report that identifies, among other things:
 - / The key attributes of the land, the surrounding and on-site land uses, built form, buildings, the relationships between existing and proposed uses, noise sources, access points and adjoining roads;
 - / Assessment of the implications of the proposed works on the Old Melbourne Cemetery including details of how any consents issued (and any subsequent conditions) by other agencies have been incorporated into the design and layout of the area.
- / A Development Concept Plan that includes among other things, indicative:
 - / Building heights and setbacks which achieve the mandatory and discretionary built form and amenity provisions set out in this Schedule;
 - / Shadow diagrams for the hours between 11:00am and 2pm at the Winter Solstice (22 June) demonstrating any shadow impacts on the proposed public open space and/or the Flagstaff Gardens, as relevant; and
 - / The alignment of existing and new roads and pedestrian links.
- / A Staging Plan with indicative detail on the proposed order in which the development will proceed, and how interfaces with adjoining land will be treated between stages.
- / A Heritage Impact Statement that demonstrates how the significance of the Queen Victoria Market will be preserved.
- / A Planning Report that demonstrates how the Development Plan is consistent with this Schedule.

- / A Transport Management Report which assesses the transport, traffic, pedestrian, bicycle access needs and impacts of the revised layout, both within and adjacent to the Queen Victoria Market precinct, including but not limited to;
 - / A road management plan which provides details of the alignment, design and finish to new public roads (including a shared zone of the realigned Franklin Street) as illustrated on Figure 1 to this Schedule.
- / Detailed investigation and assessment of the impacts of the proposed revised layout on surrounding roads, including consideration of the likely impacts of the Metro and West Gate Tunnel projects. This assessment should include the identification of potential migration measures where appropriate.
- / Analysis of expected traffic volumes and how this is consistent with a 'shared zone' or localised traffic movements so that the works align with the vision for encouraging pedestrian and cycle activities as outlined in the Queen Victoria Market Master Plan.
- / Details of the design, layout, functionality and management of the realigned Franklin Street and how it would provide for a pedestrian friendly environment and preserve and enhance the heritage values of Franklin Street Stores.
- / Management of traffic within the revised road layout within the area covered by Amendment C245.
- / How the existing 720 car parking spaces associated with the Queen Victoria Market located within the proposed public open space and New Franklin Street will be accessed and provided within the Queen Victoria Market precinct area
- / Demonstrates that the revised layout would not have an undue detrimental impact on the vitality and viability of the Queen Victoria Market.
- / Indicative waste storage and collection points.

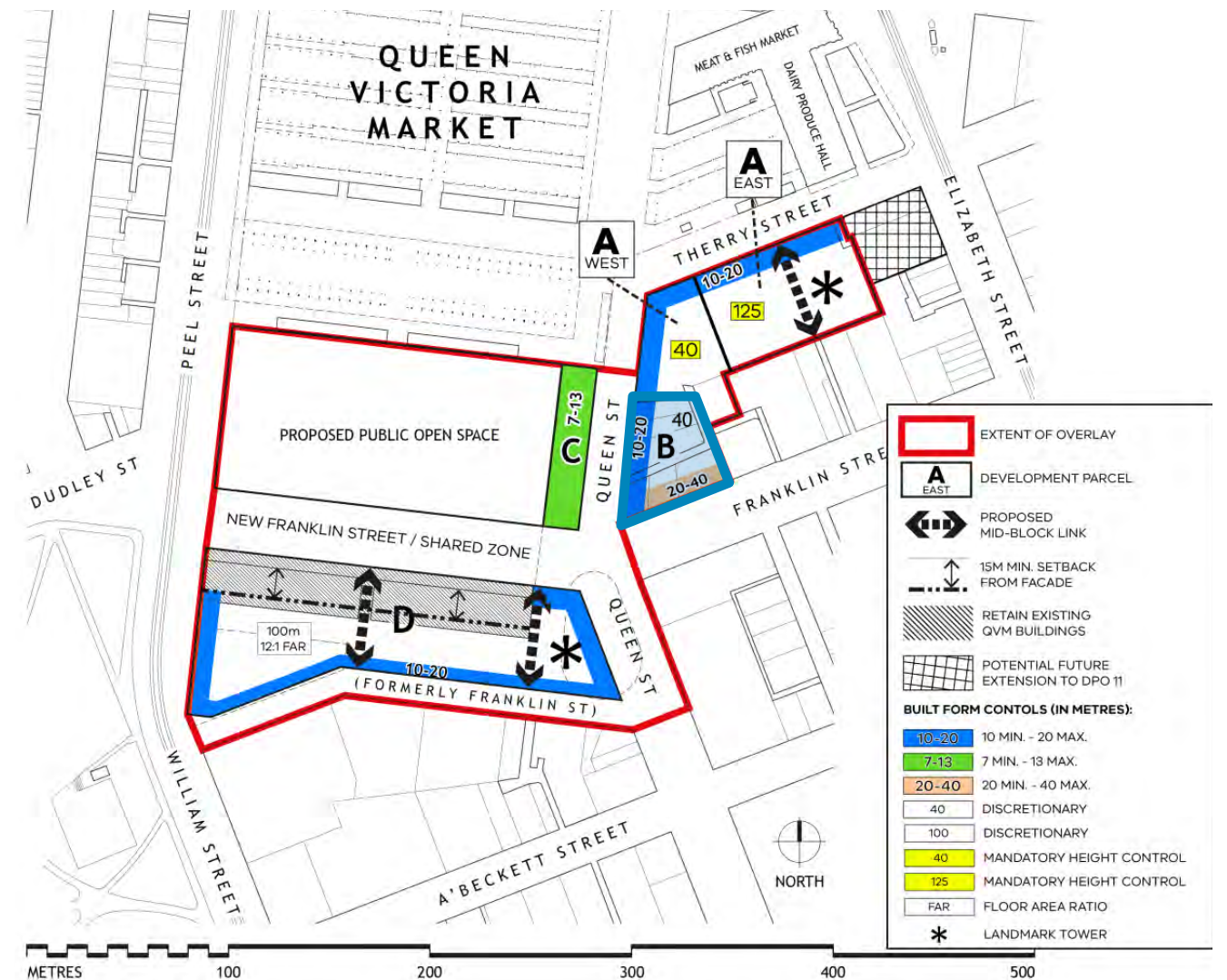
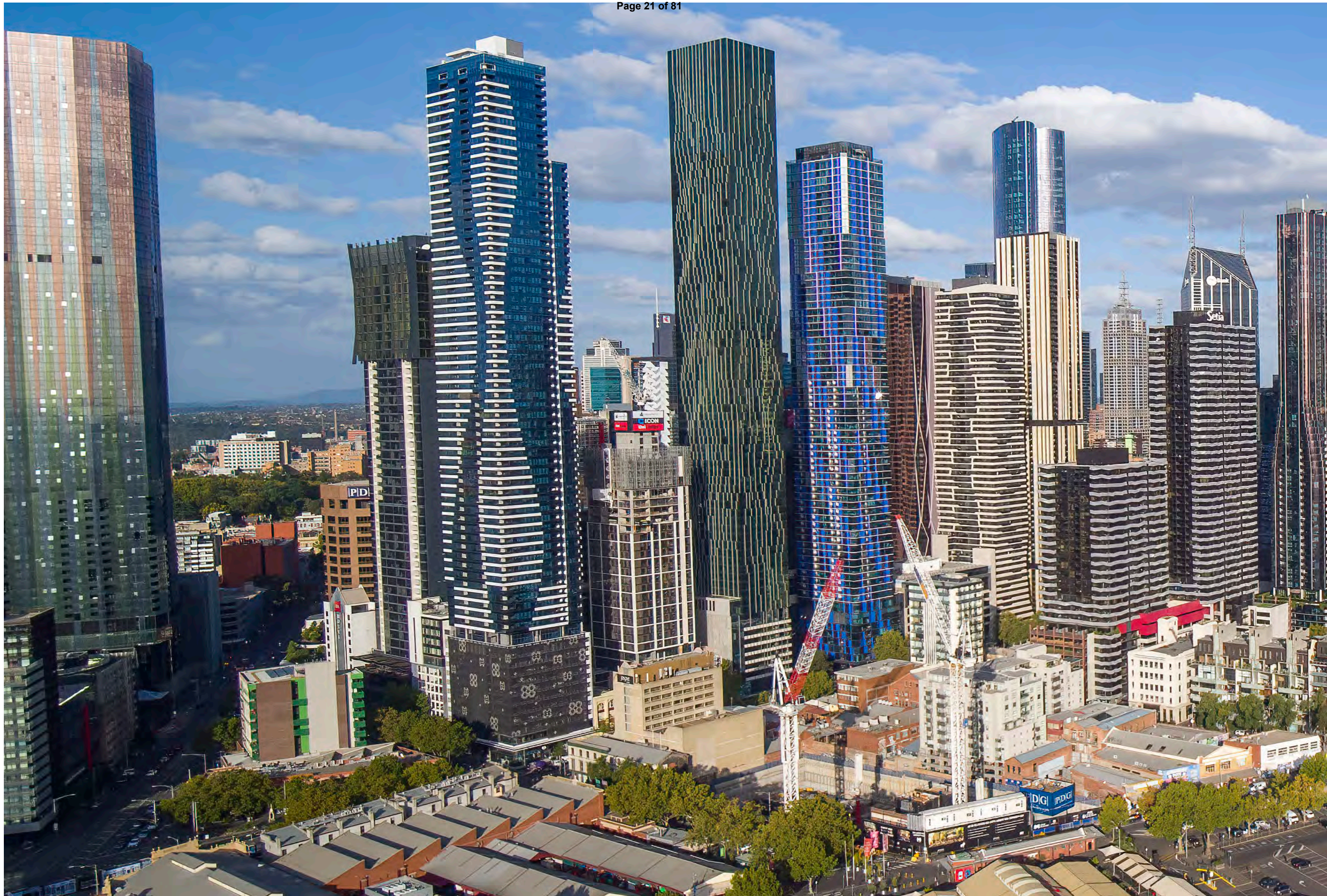


FIGURE 3 OF THE QUEEN VICTORIA MARKET PRECINCT FRAMEWORK PLAN

Subject Site





2.0

URBAN CONTEXT AND EXISTING CONDITIONS

2.1 SITE LOCATION

MARKET PRECINCT

Queen Victoria market is a vital piece of social, cultural and commercial infrastructure for Melbourne. It embodies the best of Melbourne's social and cultural diversity while nourishing the body and spirit through food and produce, entertainment and social interaction. As the urban population increases it will provide an even more important release from the surrounding density and a vital hub for fresh produce, food and drink.

PARCEL B

The site is located on the eastern side of Queen Street, on a block that is bound by a new laneway introduced as part of the QVM Munro Development to the north, Franklin Street to the south and a new pocket park introduced as part of the QVM Munro Development to the east. The site is adjacent to the broader Queen Victoria Market precinct. Together they sit within the central city and are picked up in the Municipal Strategic Statement as being within the 'Hoddle Grid'.

The site occupies a pivotal location between:

- The City North Urban Renewal Precinct to the north
- The education and health precinct associated with RMIT, Melbourne University and various hospital facilities to the north and north-east.
- The central city and the broader 'Hoddle Grid' to the south-east.
- An emerging high density residential neighbourhood to the south-west
- Flagstaff Gardens to the west.
- The generally lower scale mixed use neighbourhoods to the north-west.



PICTURED
1/ Queen Victoria Market 2020

2.2 EXISTING CONDITIONS PLAN

SUBJECT SITE

The subject site is comprised of several parcels of land at 428, 432-438, 440 and 446-450 Queen Street as well as 146 & 132-136 Franklin Street.

428 Queen holds the corner of Queen & Franklin Streets and is of heritage significance.

432-438 Queen Street comprises a two storey brick warehouse with heritage significance.

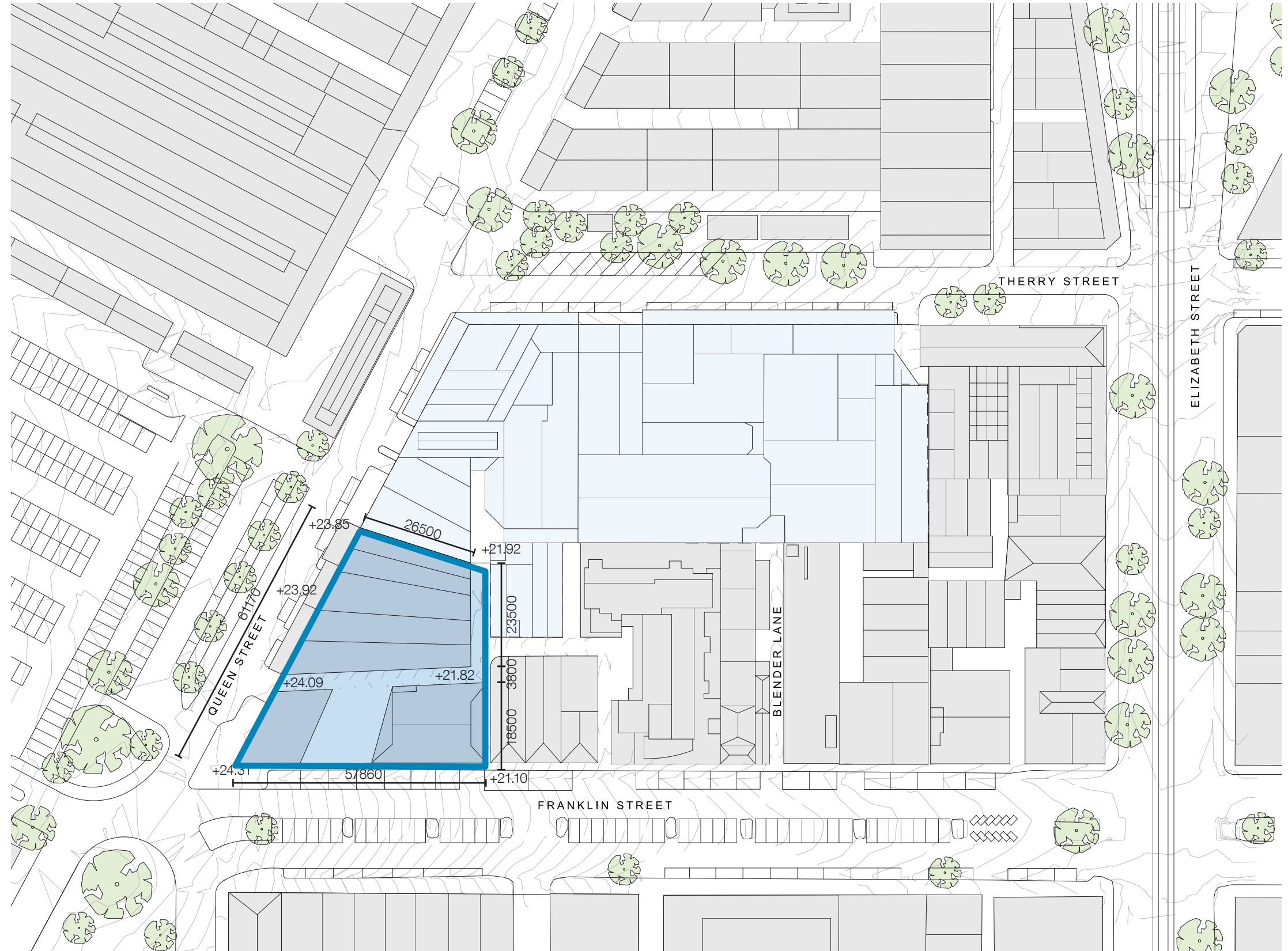
440 Queen Street comprises a slightly lower two storey brick building and is currently occupied by a retail business.

446-450 Queen Street comprises a single storey brick building that currently occupies a retail business.

146 Franklin Street is a vacant lot.

132-136 Franklin Street is a Victorian brick warehouse with mid-twentieth century upper level addition.

The site has an overall frontage to Queen Street of approximately 62m in length and has a frontage to Franklin Street of approximately 58m. There is a 3.8m wide council laneway running east from Queen Street approximately 18m north of Franklin Street. The overall site area is approximately 2200sqm.



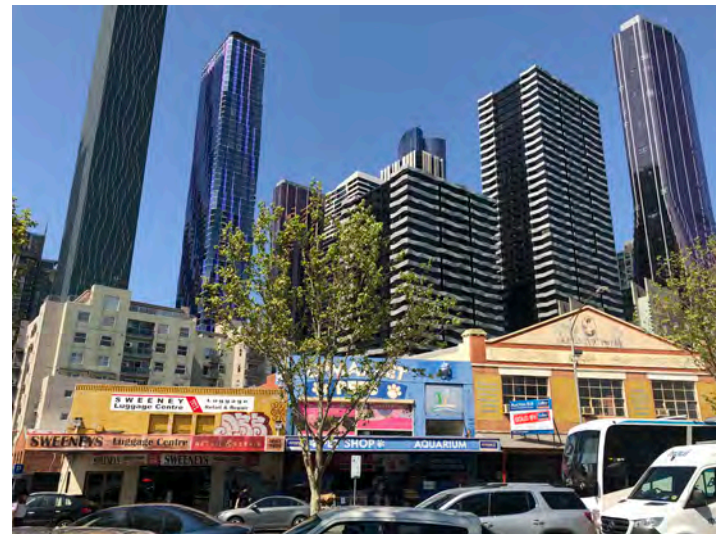
2.3 EXISTING CONDITIONS PHOTOS



1.



2.



3.



4.



5.

PICTURED
1/ Elizabeth Street skyline from Victoria Market
2/ 432-438 Queen Street heritage facade
3/ Subject Site from across Queen Street
4/ Skyline from current QVM parking lot
5/ Skyline from Victoria Market



1. PICTURED
1/ Parcel B from across Queen Street

2.3 EXISTING CONDITIONS PHOTOS



1.
PICTURED
1/ Corner of Queen Street & Franklin Street

2.3 EXISTING CONDITIONS PHOTOS



1.



2.



3.



4.



5.

PICTURED

- 1/ Existing Pocket Park Site
- 2/ Existing Pocket Park Site
- 3/ South Council Laneway from Queen Street
- 4/ South Council Laneway towards Queen Street
- 5/ South Council Laneway at east corner

2.4 PRECINCT ANALYSIS

MARKET PRECINCT

The subject site is adjacent the Queen Victoria Market site, approx. 500 metres from Flagstaff Train Station, 400m from Melbourne Central Train Station and 900 metres from the University of Melbourne.

The subject site is positioned within close proximity to both Eades Place (park and playground 600m) and Flagstaff Gardens (gardens, playground, lawn bowls and tennis 350m). The subject site is directly across Queen Street from the new Market Square Park proposed under the QVM Precinct Renewal Master Plan.

The subject site is well serviced by public transport. Aside from its proximity to Flagstaff Train Station and Melbourne Central Train Station (all metropolitan lines), the subject site is approximately 200m from the Queen Victoria Market/Elizabeth street tram stop (tram number 19/57/59).



KEY					
■	SITE	■	SWANSTON STREET RETAIL PRECINCT	◄-->	RMIT UNIVERSITY
■	QUEEN VICTORIA MARKET	■	ETIHAD STADIUM	◄-->	TRAM LINE
■	HIGH DENSITY PRECINCT	■	GREEN ZONES	●	MELBOURNE METRO

2.5 TRANSPORT & ROADS

BACKGROUND AND EXISTING CONDITIONS

The subject site is currently occupied by retail uses and is located within the Capital City Zone - Schedule 1 (CCZ1) of the Melbourne Planning Scheme. The subject site has a street frontage to Queen Street and Franklin Street and it is generally surrounded by retail and commercial uses. Of particular note, the Queen Victoria Markets are located to the north west of the site, on the western side of Queen Street.

Parcel B is bounded on the east by narrow council laneways and is bisected by an east-west council laneway that begins near the midpoint of the Queen Street frontage.

SUSTAINABLE TRANSPORT ACCESS

The subject site currently has excellent public transport accessibility, with particular note to the frequently serviced major tram stop on Elizabeth Street, located approximately 200m to the northeast of the site.

The site has excellent walkability, and is well located to take advantage of commercial and retail uses within convenient walking distance. The site also has excellent access to the surrounding bicycle network, and is located in close proximity to a significant number of share cars.



- KEY**
- x Site
 - Queen Victoria Market
 - Train Station
 - Tram Lines

2.6 PRECINCT FRONTAGES AND LAND USE











Frontage Activation

-  Parcel B
-  Inactive
-  Semiactive
-  Active

BATESSMART™



Land Use

-  Retail
-  Carpark
-  Food
-  Commercial
-  Residential
-  Institutional
-  Hotel
-  Mix Use Market

GOLDEN AGE

2.7 SURROUNDING BUILT FORM ANALYSIS

EXISTING CONTEXT

To the north of the site is the QVM Munro development, which is currently under construction. The development will include an array of amenities including a child care centre, provision of family services, community meeting rooms and event spaces, commercial and retail spaces and a range of residential properties (hotel, serviced apartments, residential accommodation and affordable housing).

To the west is Queen Street which is a major CBD grid road extending north from the Melbourne CBD. This road directs traffic one-way north east, between Franklin Street and Therry Street. It is approximately 15 metres wide, with provision for parallel parking beyond. There are footpaths on either side of the street and a pedestrian crossing in front of no. 432-438 Queens St. Further west of Queen Street is the Queen Victoria Market car park and a single storey brick building comprising public toilets and ATM facilities. The Queen Victoria Market is located north of the car park, approximately 50m north west of the site.

To the south of the site is Franklin Street which connects to Queen Street to the west and Elizabeth Street to the east. There is provision for parallel parking in the centre of Franklin St. Further south of Franklin Street are numerous multi-storey commercial and residential apartment blocks that accommodate ground level retail.

To the east is a former brick warehouse that has recently been renovated, with residential properties on the first and second level and retail on the ground level. Directly north of this building is the proposed Munro Square, which is a publicly accessible open square that is part of the broader QVM Munro development.



 Parcel B

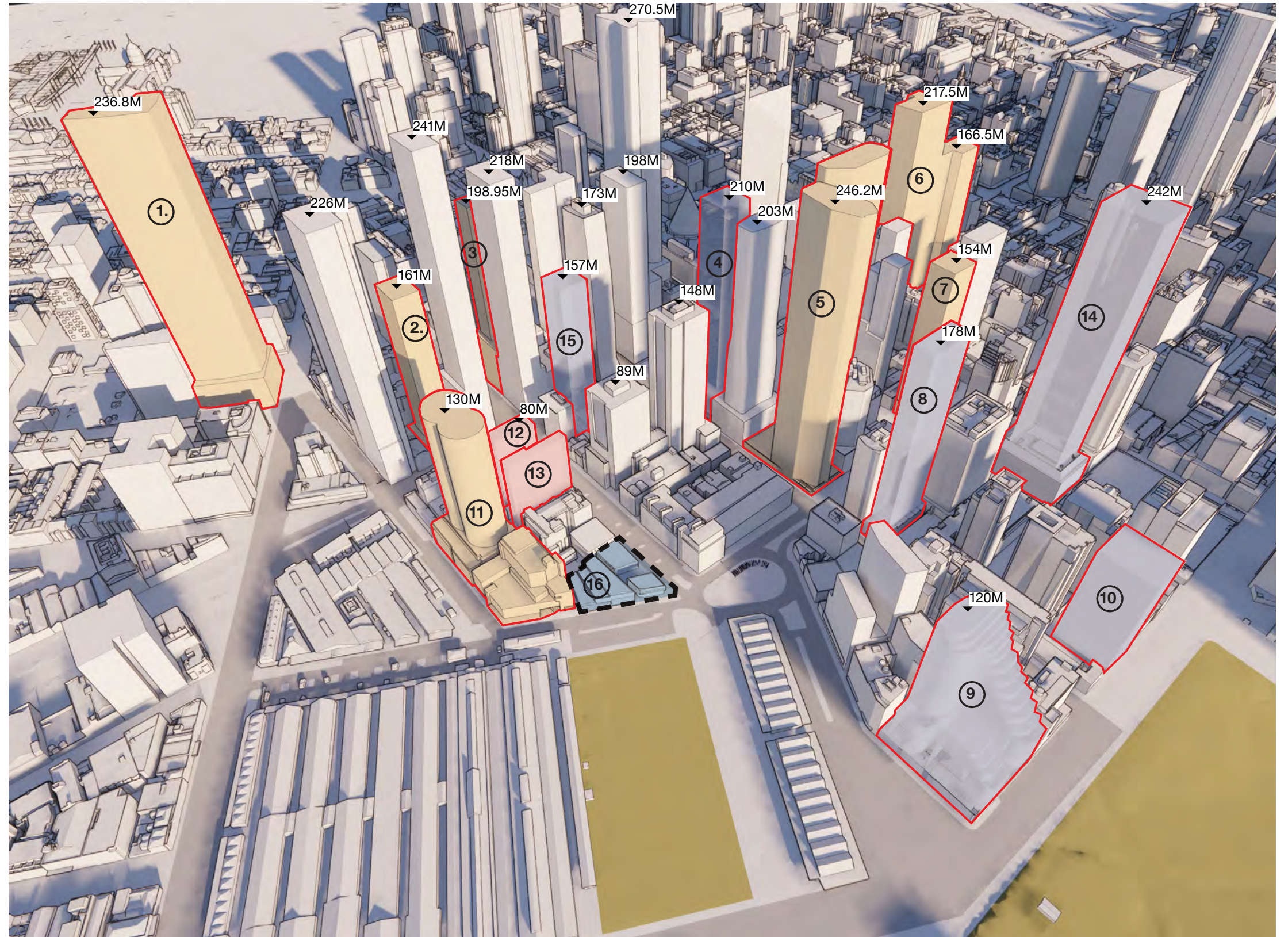
KEY

- 1/ 126-130 Franklin Street (Franklin Apartments – a three storey brick former warehouse building comprising 11 residential properties and a ground level shop).
- 2/ The northern end of Private Lane (PL5133) which connects to Franklin Street to the south

- 3/ The northern end of Private Lane (PL5266) which runs south, before turning westward to connect back onto Queen Street.
- 4/ Proposed Laneway connection as part of QVM Munro Site
- 5/ Munro Square - proposed open square as part of QVM Munro Site
- 6/ QVM Munro Development

- 7/ QVM open air car parking.- proposed public space
- 8/ Proposed Queens Corner Building - visitor centre and new market management facilities

2.7 SURROUNDING BUILT FORM ANALYSIS



Parcel B

KEY

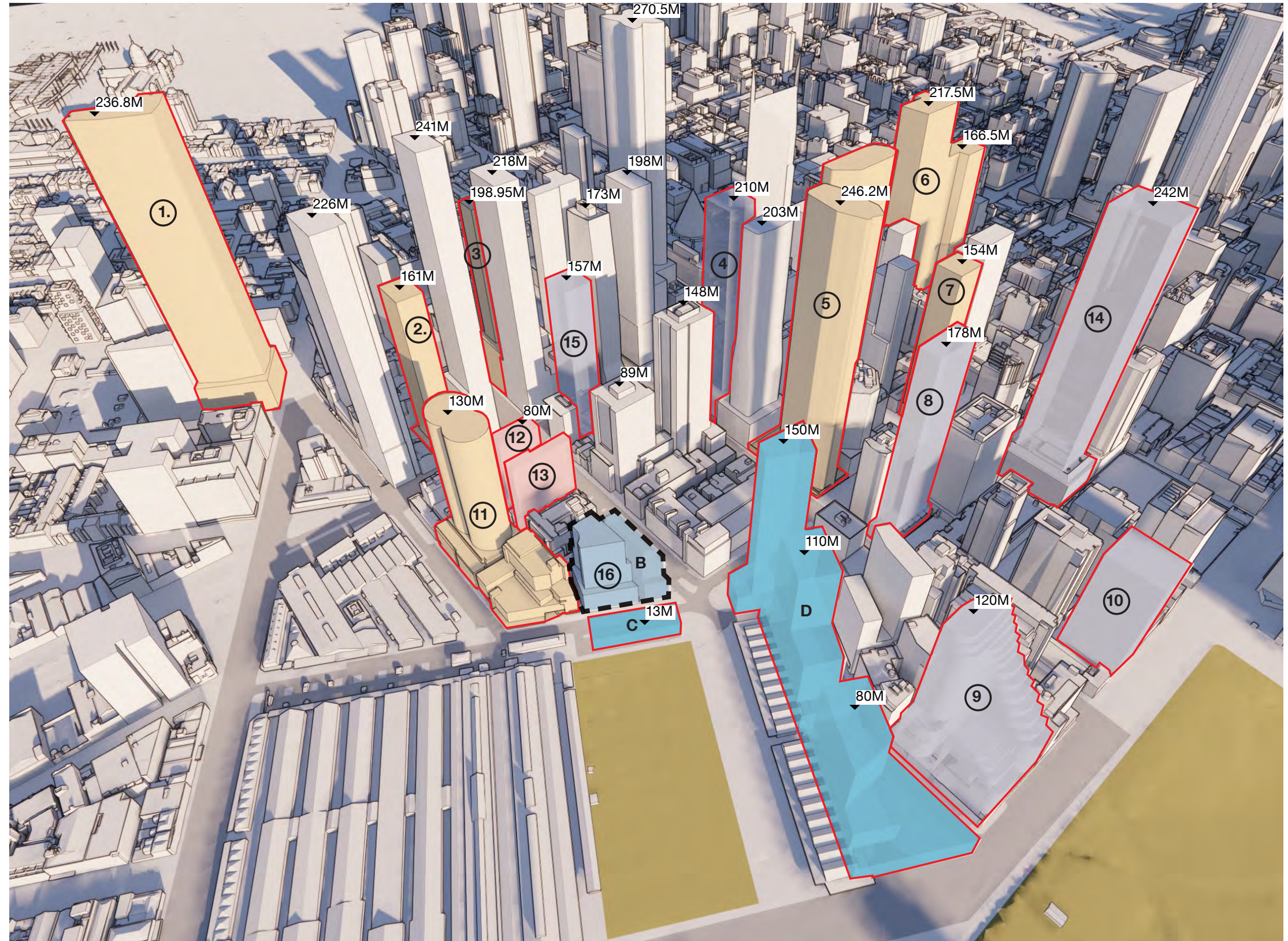
- 1/ Swanston Central, 168 Victoria Street. 236.8m
- 2/ Unilodge Place 478-488 Elizabeth Street. 161m
- 3/ 97 Franklin Street. 198.95m
- 4/ Uno Melbourne 111 A'Beckett Street. 210m
- 5/ Queens Place, 350 Queen Street. 246.2m
- 6/ 380 Melbourne, 380 Lonsdale Street. 217.5m & 166.5m
- 7/ Paragon Tower, 316-320 Queen Street. 154m
- 8/ 183-189 A'Beckett Street. 178m

- 9/ 388 William, 386-412 William Street. 120m & 57m
- 10/ 360 William Street, 31 levels
- 11/ QVM Residences, 93-141 Therry Street. 130m & 40m
- 12/ Burbank House, 96-102 Franklin Street. 80m
- 13/ 110-112 Franklin Street.
- 14/ 383 La Trobe Street. 242m
- 15/ 441-451 Elizabeth Street. 157m
- 16/ Parcel B

- .UNDER CONSTRUCTION
- .APPROVED
- .PROPOSED

Note: Building heights are approximate and to be confirmed by licensed surveyor

2.7 SURROUNDING BUILT FORM ANALYSIS FUTURE CONTEXT



 Parcel B

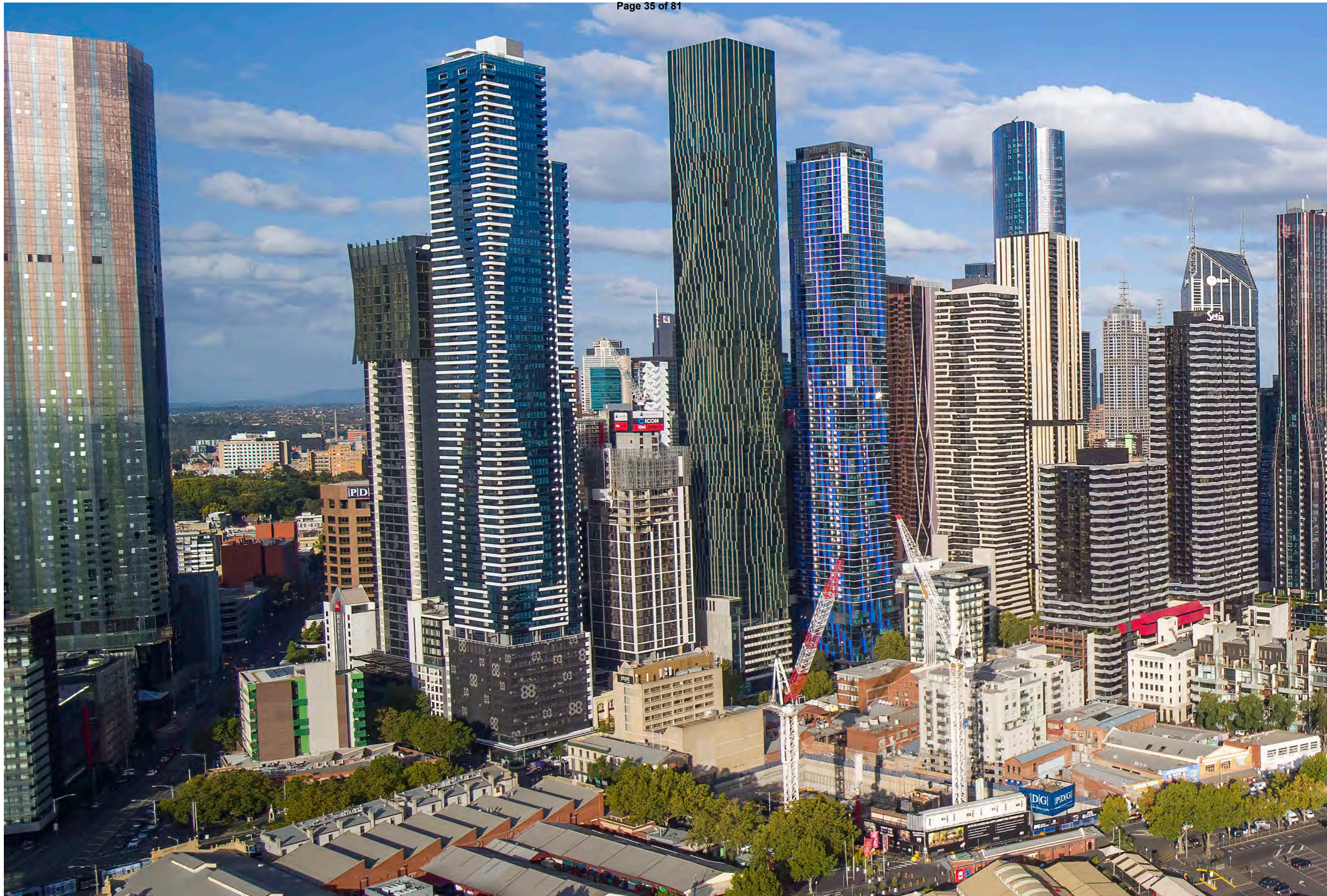
KEY

- 1/ Swanston Central, 168 Victoria Street. 236.8m
- 2/ Unilodge Place 478-488 Elizabeth Street. 161m
- 3/ 97 Franklin Street. 198.95m
- 4/ Uno Melbourne 111 A'Beckett Street. 210m
- 5/ Queens Place, 350 Queen Street. 246.2m
- 6/ 380 Melbourne, 380 Lonsdale Street. 217.5m & 166.5m
- 7/ Paragon Tower, 316-320 Queen Street. 154m
- 8/ 183-189 A'Beckett Street. 178m

- 9/ 388 William, 386-412 William Street. 120m & 57m
- 10/ 360 William Street, 31 levels
- 11/ QVM Residences, 93-141 Therry Street. 130m & 40m
- 12/ Burbank House, 96-102 Franklin Street. 80m
- 13/ 110-112 Franklin Street.
- 14/ 383 La Trobe Street. 242m
- 15/ 441-451 Elizabeth Street. 157m
- 16/ Parcel B

-  .UNDER CONSTRUCTION
-  .APPROVED
-  .PROPOSED
-  .POTENTIAL DEVELOPMENT

Note: Building heights are approximate and to be confirmed by licensed surveyor





3.0

BUILT FORM REQUIREMENTS

3.1 BUILT FORM & SETBACKS

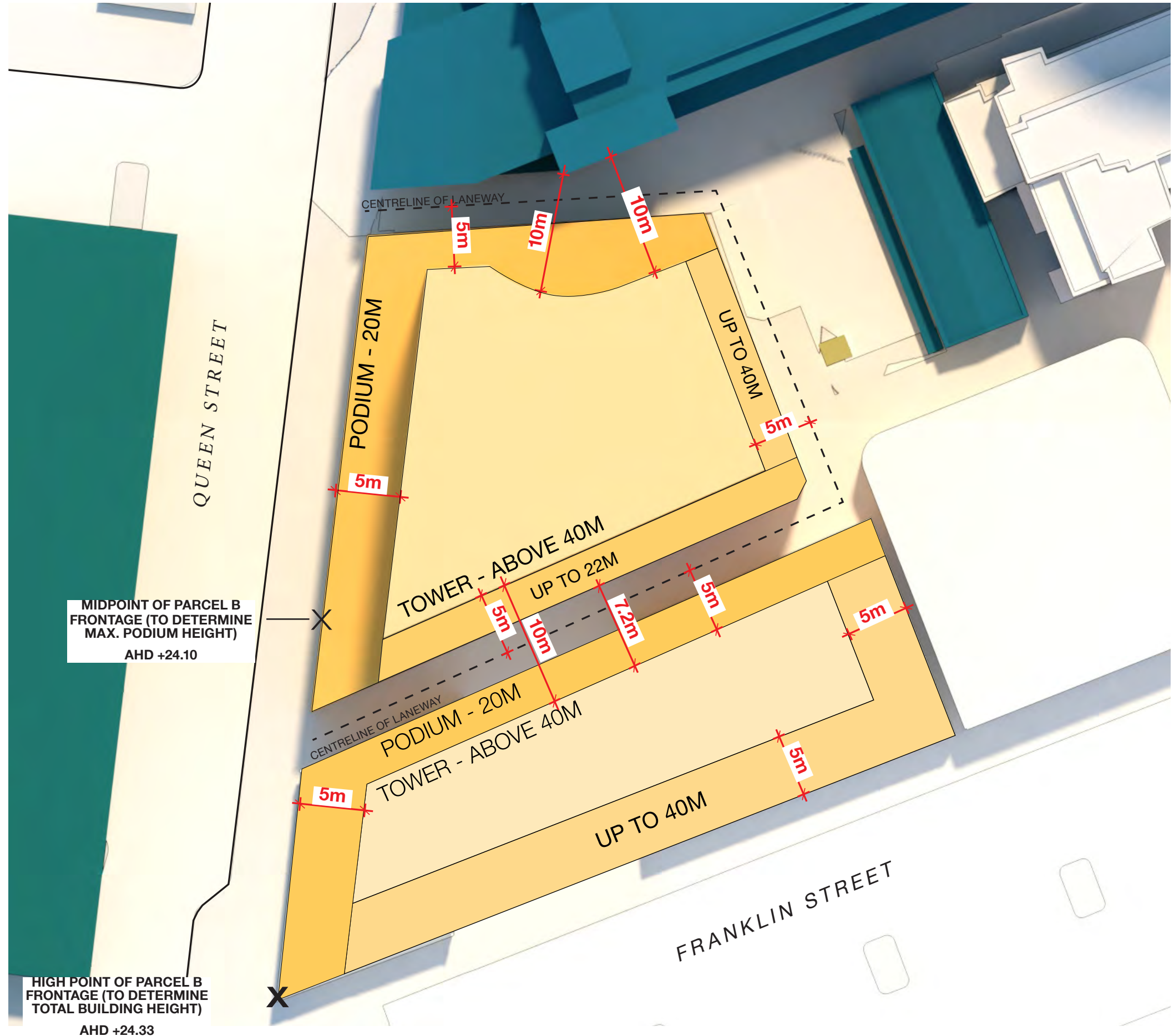
PARCEL B

Podium Height:
Mandatory Max. 20m

Tower Setback:
Discretionary Min. from Queen St. Frontage: 10m
Mandatory Min. from Franklin St. Frontage: 5m
Discretionary Min. from Sides / Rear / CL of Laneways below 40m: 0m
Mandatory Min. from Sides / Rear / CL of Laneways above 40m: 5m

Tower Separation:
Discretionary Min. 24m
Mandatory Min. 10m

Building Heights:
Discretionary Height 40m



3.1 BUILT FORM & SETBACKS

/ 20m podium height from DPO11

/ 40m discretionary height

/ 67m total height to north portion (excluding plant) is derived from the surrounding context

/ 50m total height to south portion (excluding plant) is derived from the surrounding context

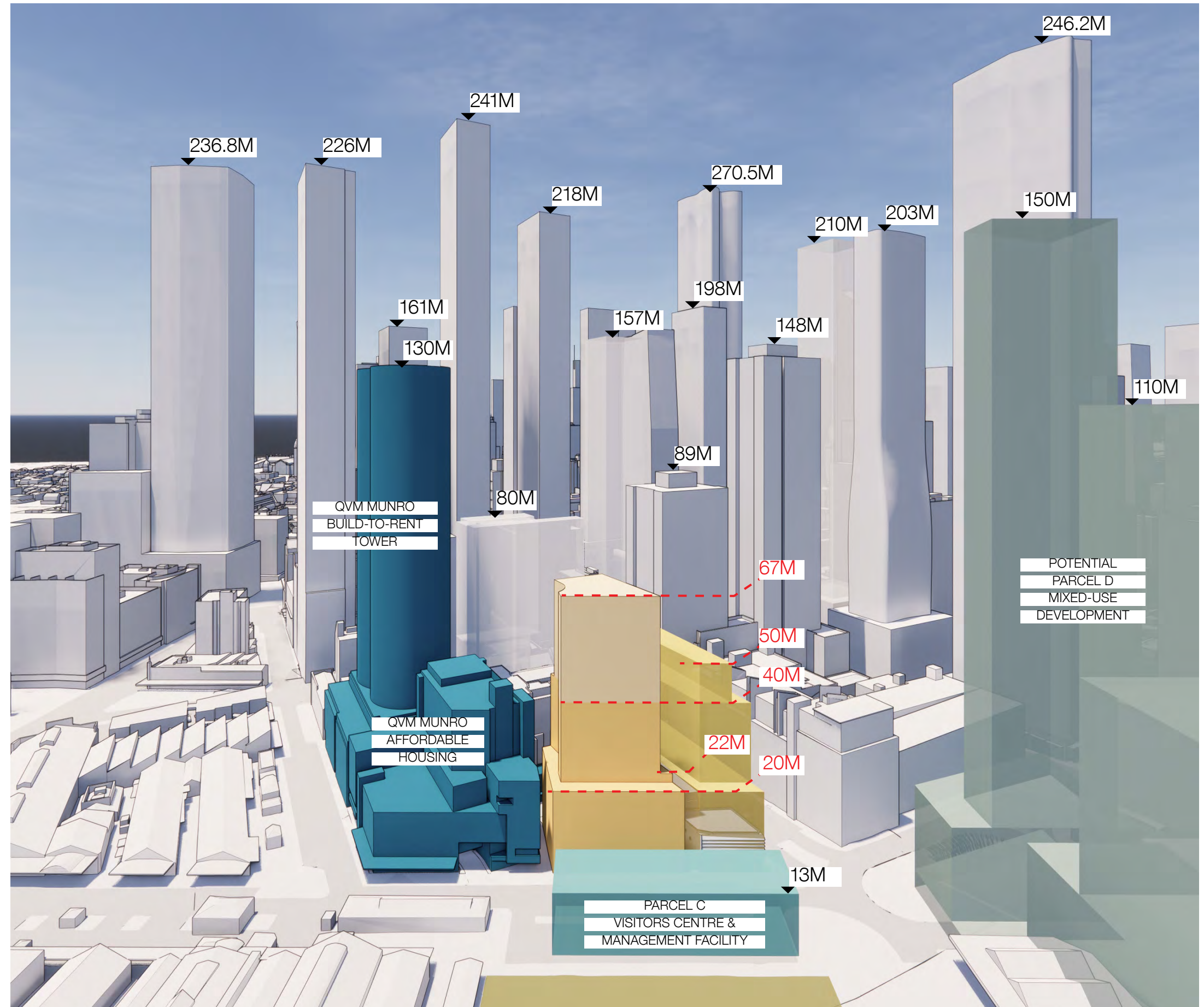
This document demonstrates that both Stage 1 and Stage 2 of Parcel B are able to accommodate additional height beyond the discretionary height limit of 40 metres whilst continuing to achieve the key design guidelines and requirements for Parcel B set out at Table 1 of DPO11, specifically:

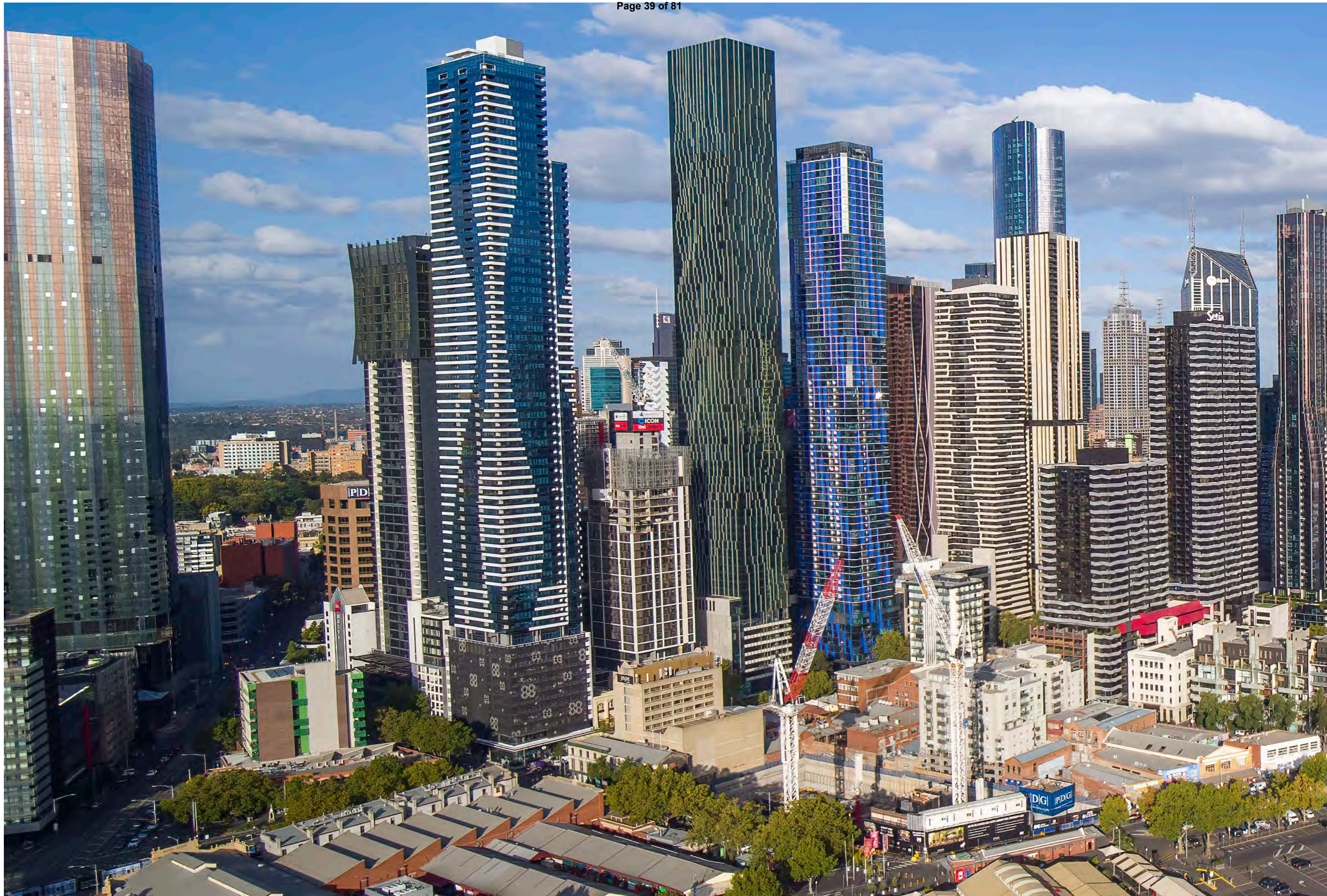
- Parcel B: Ensure that development provides a moderating transition to the future proposed public open space and the future visitor centre.

- New development should not cast a shadow across Flagstaff Gardens or the proposed public open space in Figure 1 between 11:00am and 2:00pm on June 22, unless the Responsible Authority considers the overshadowing will not significantly prejudice the amenity of the open space.

Refer to Sections 4.3 - Massing Studies and 5.1 - Shadow Studies for supporting 3D modelling and shadow analysis in support of the proposed heights.

Refer also to the supporting Planning Report prepared by Tract Consultants (April 2021)







4.0 URBAN DESIGN PRINCIPLES

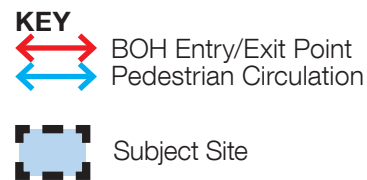
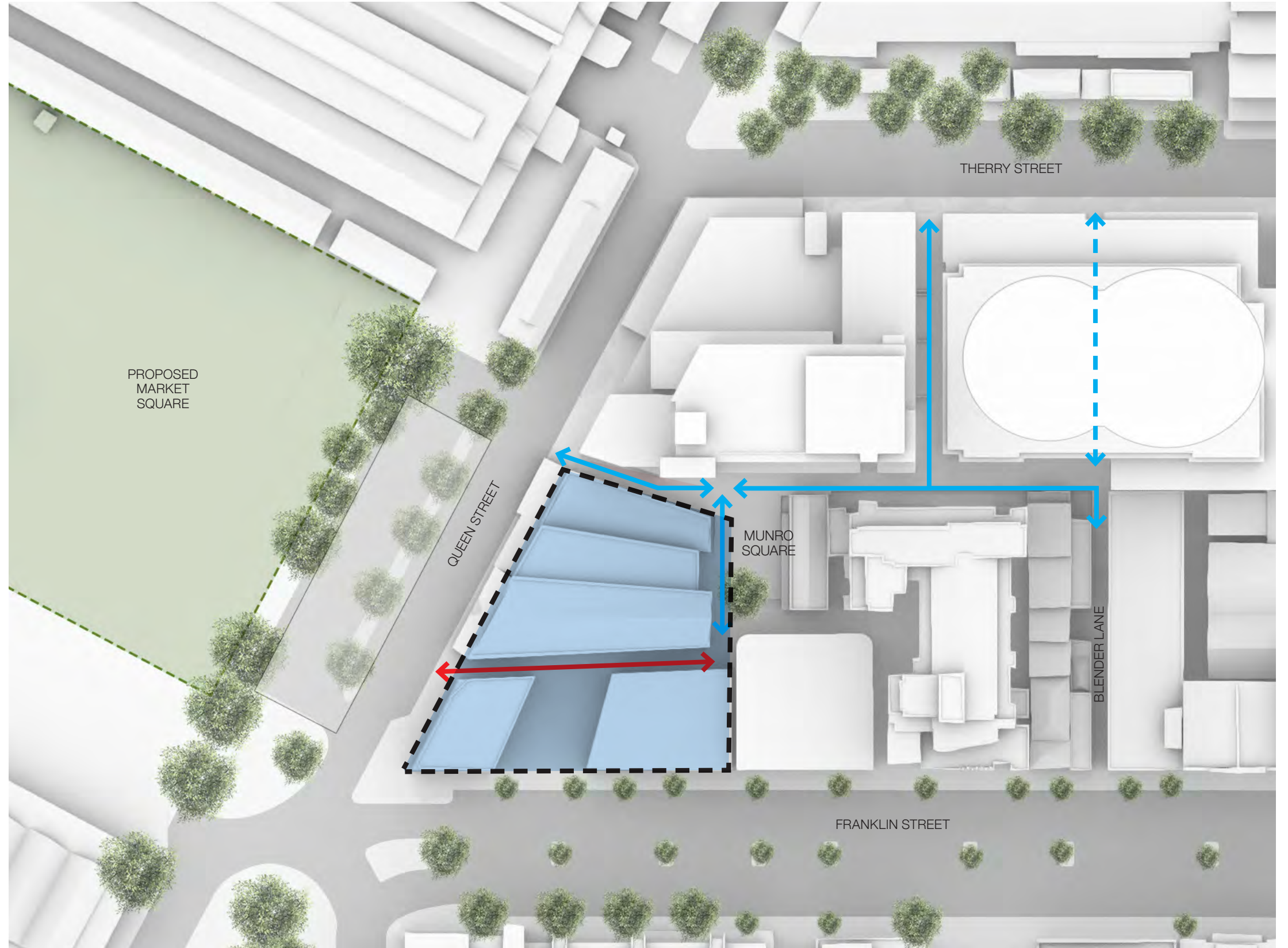
4.1 LAYOUT & MOVEMENT

LAYOUT, MOVEMENT AND OPEN SPACE

The subject site is bounded by a new laneway that forms part of the QVM Munro development to the north of Parcel B. The east of the property fronts a council laneway and a new pocket park that forms part of the QVM Munro development.

There is a 3.8m wide council laneway that runs east-west and roughly bisects Parcel B.

It is proposed to provide active frontage to Queen Street, Franklin Street as well as the north and east laneway. Vehicular access is proposed to be isolated to the existing east-west laneway which will be used for the loading and services for the development.



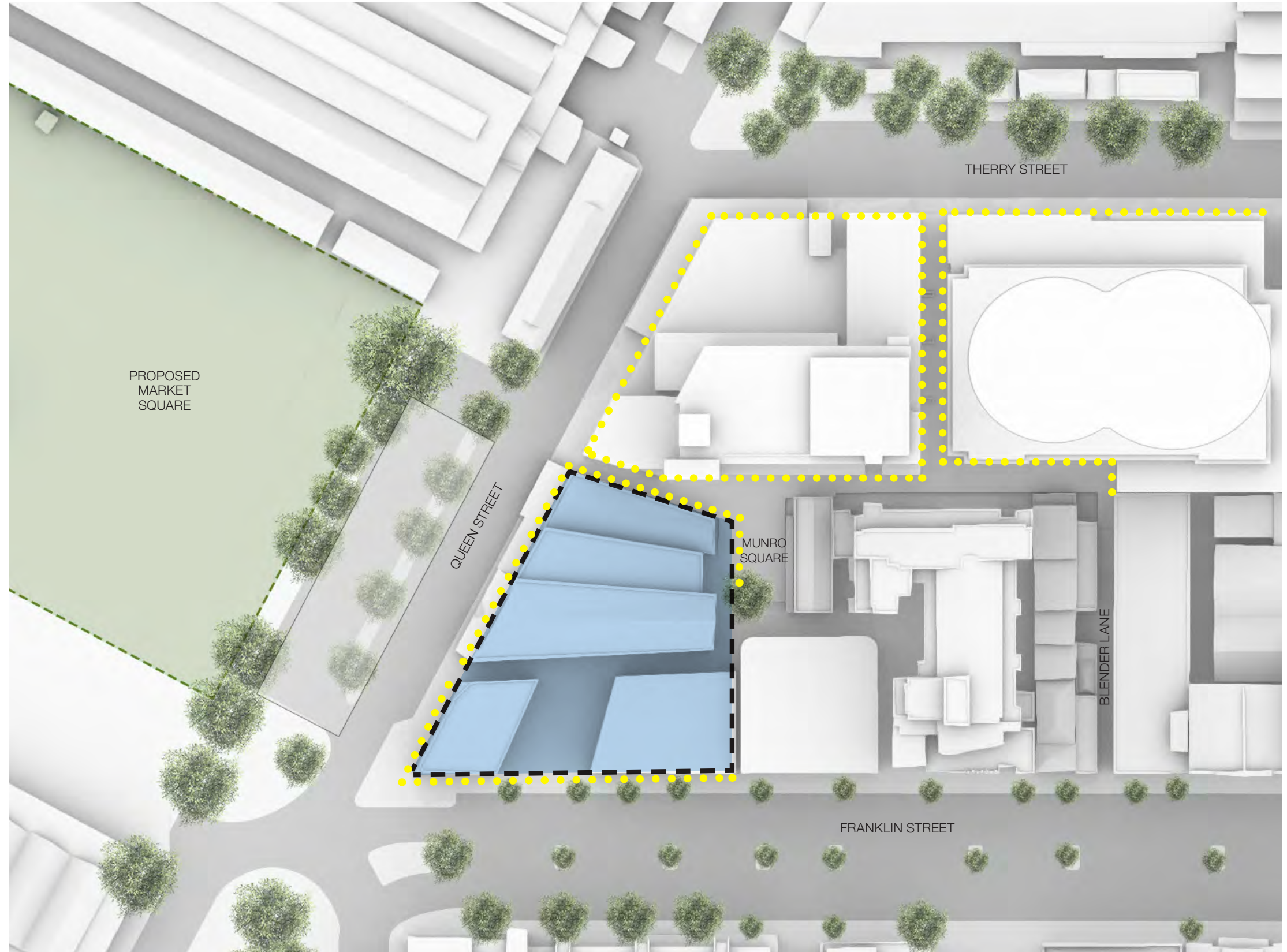
4.2 LAND USE AND ACTIVATION

LAND USE AND ACTIVATION

Parcel B will comprise mixed-use buildings that respond to the demand for residential, accommodation and commercial floor space and should include fine grain retail or other active uses at street level. Stage 1 of the Development Plan as shown in Section 5.2 Staging Diagram should make an affordable housing contribution as part of any future residential development.

Acknowledging the market edge condition of Queen Street as well as the established laneway network and the Munro development, all future development should contribute to activation through the provision of complementary retail and hospitality uses at ground floor, as well as podium and basement levels where appropriate. Development fronting Franklin Street should also provide active frontages.

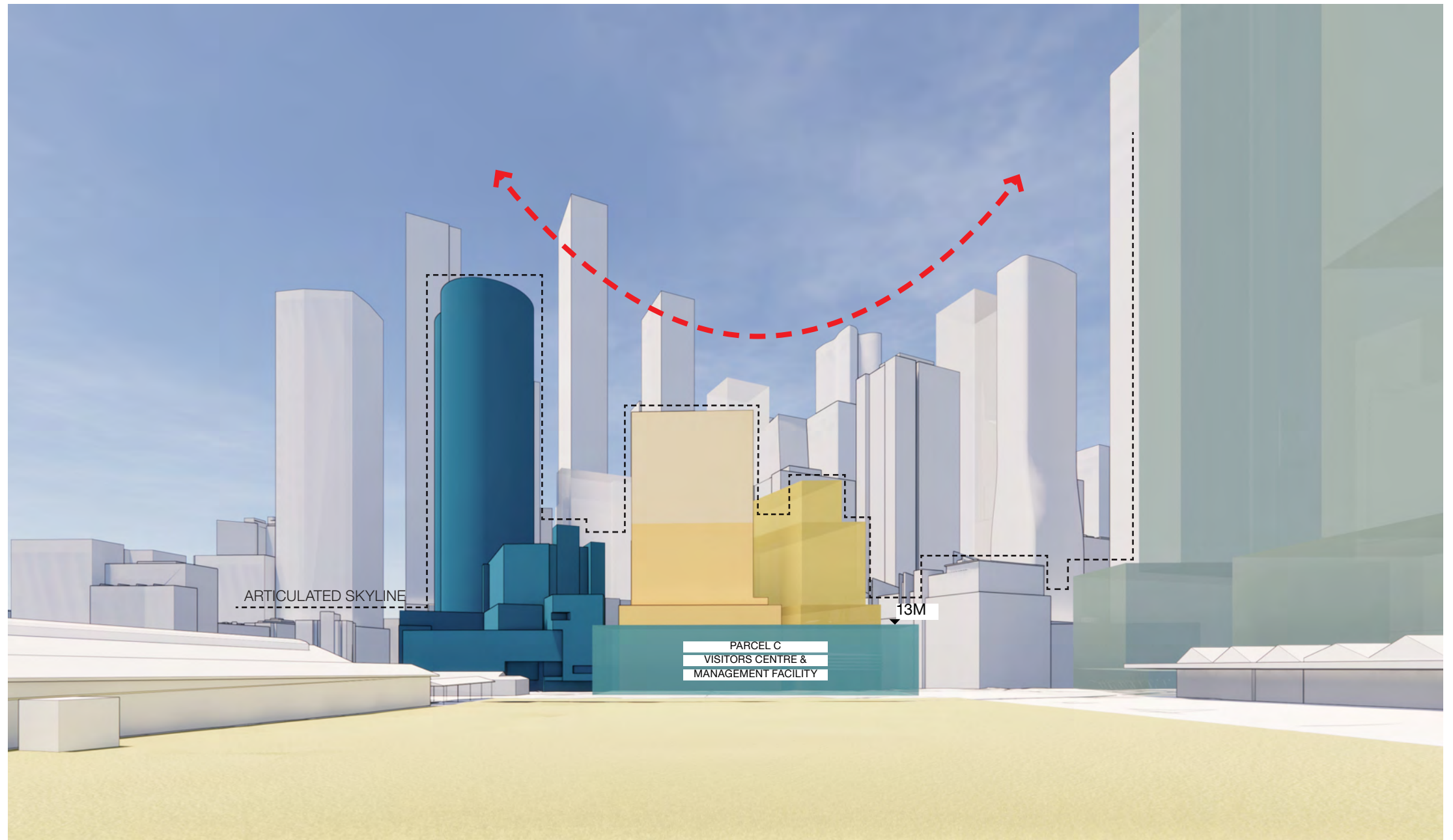
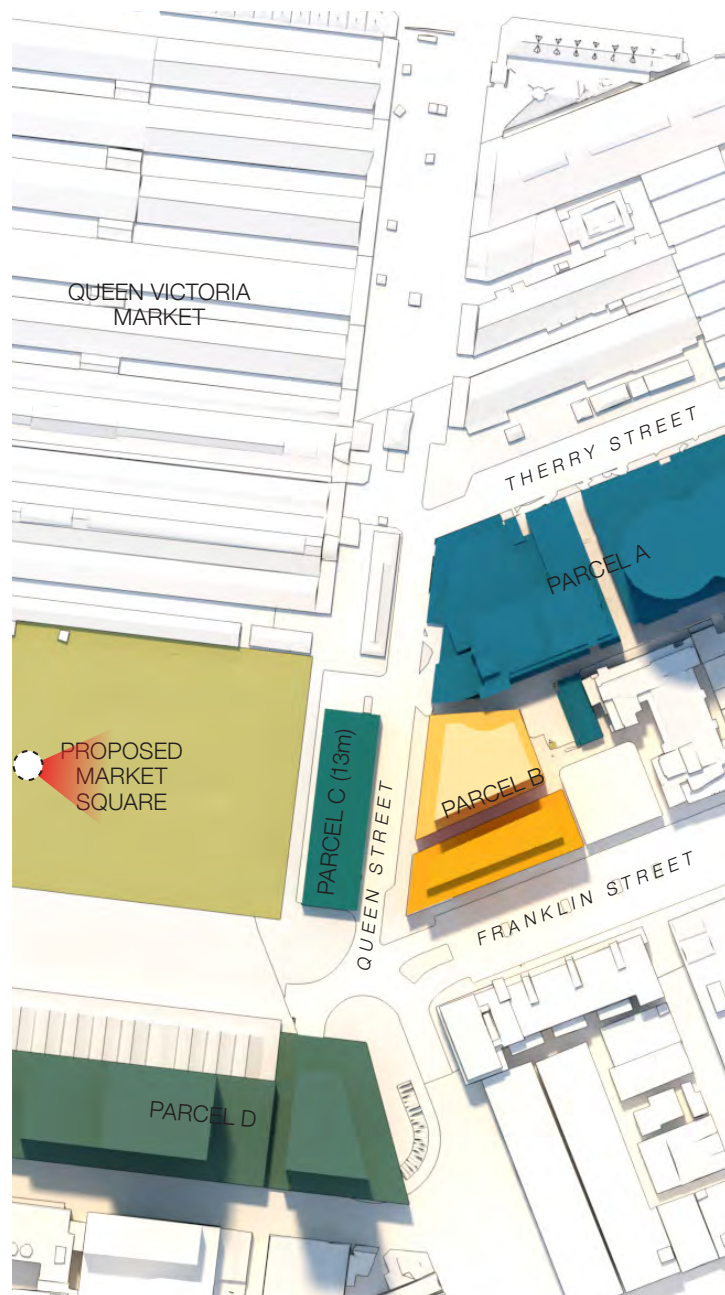
Facades should contribute to a rich streetscape experience with material and detailing that references the surrounding market context and interface with Munro Square and the new public open space contained in Parcel C opposite Queen Street.



- KEY**
- Active Frontages
 - Subject Site

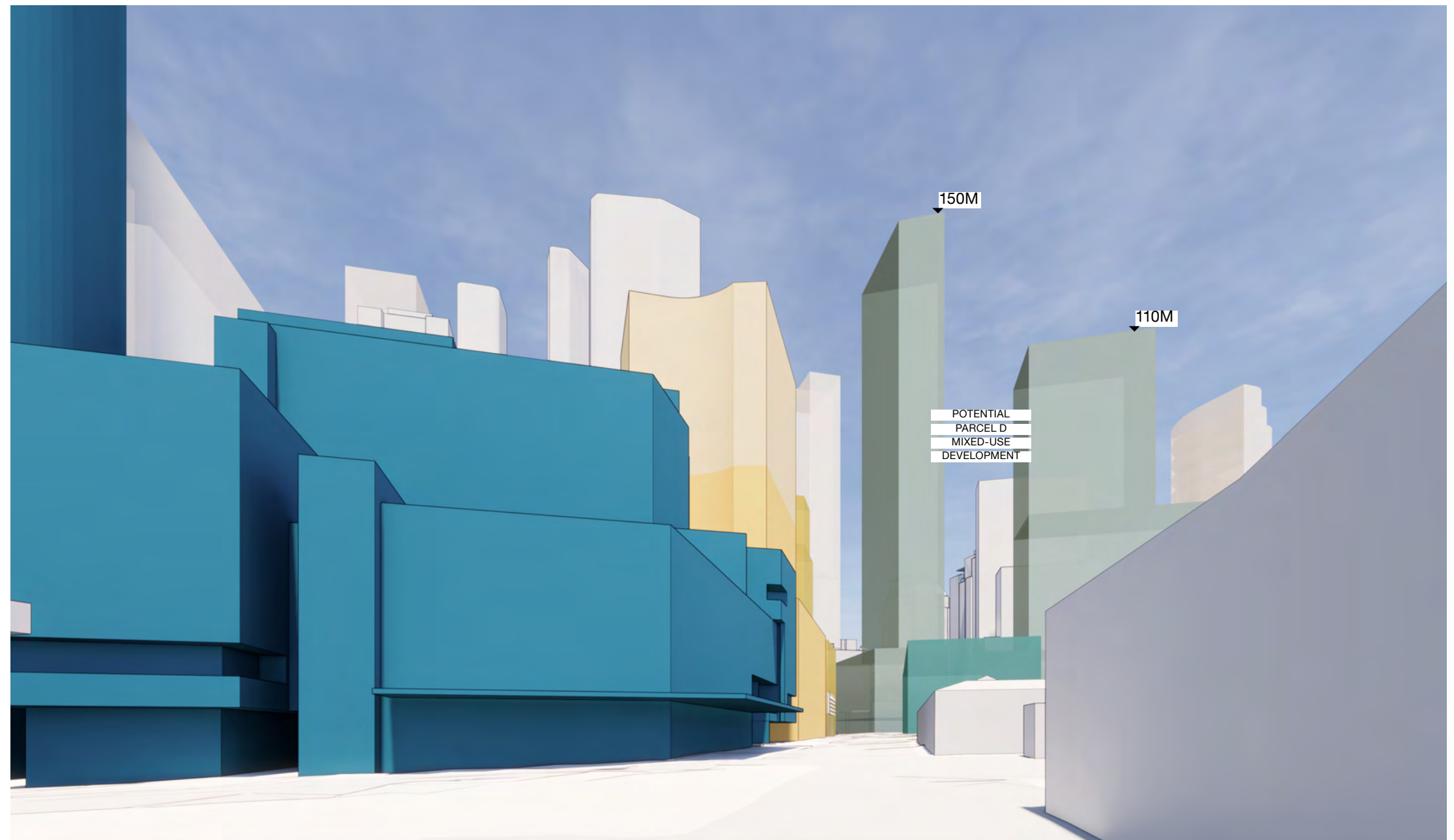
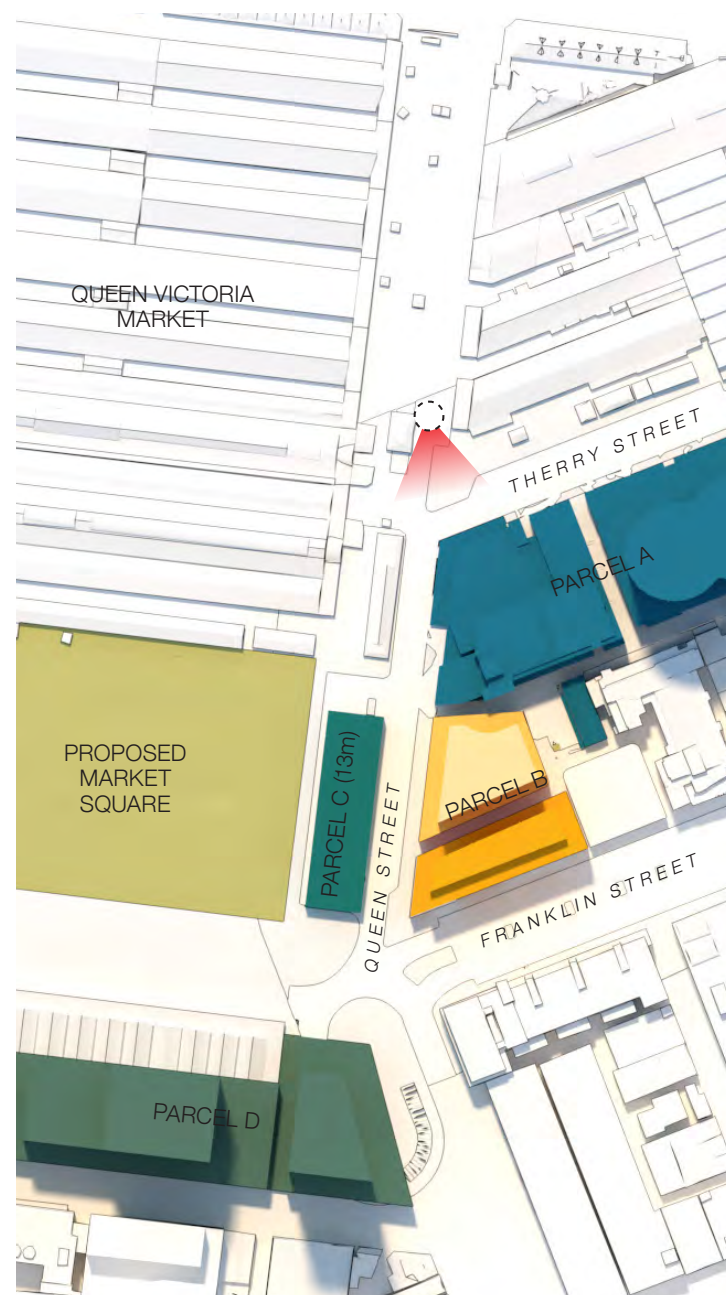
4.3 MASSING STUDIES

VIEW FROM NEW MARKET SQUARE PARK



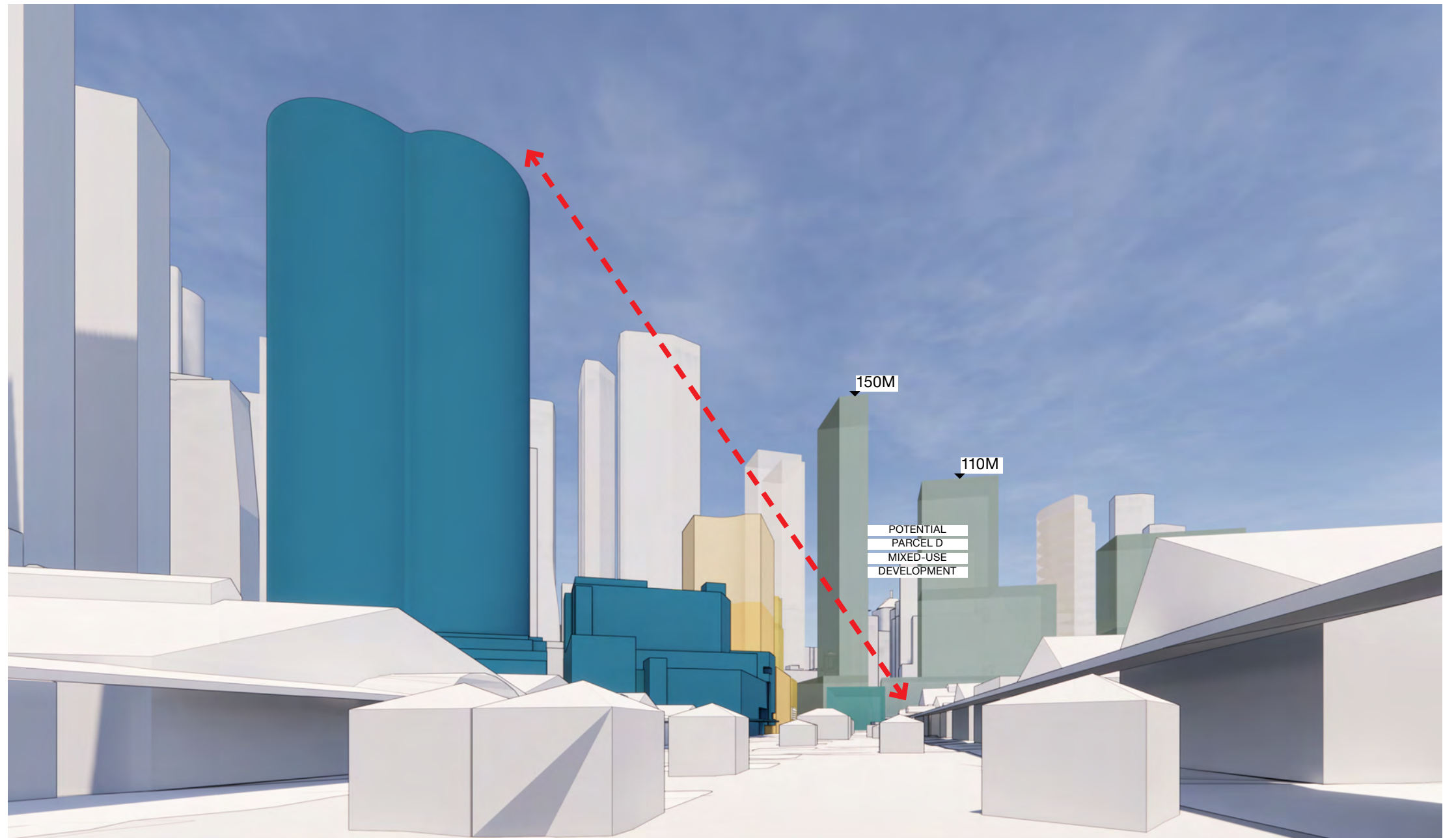
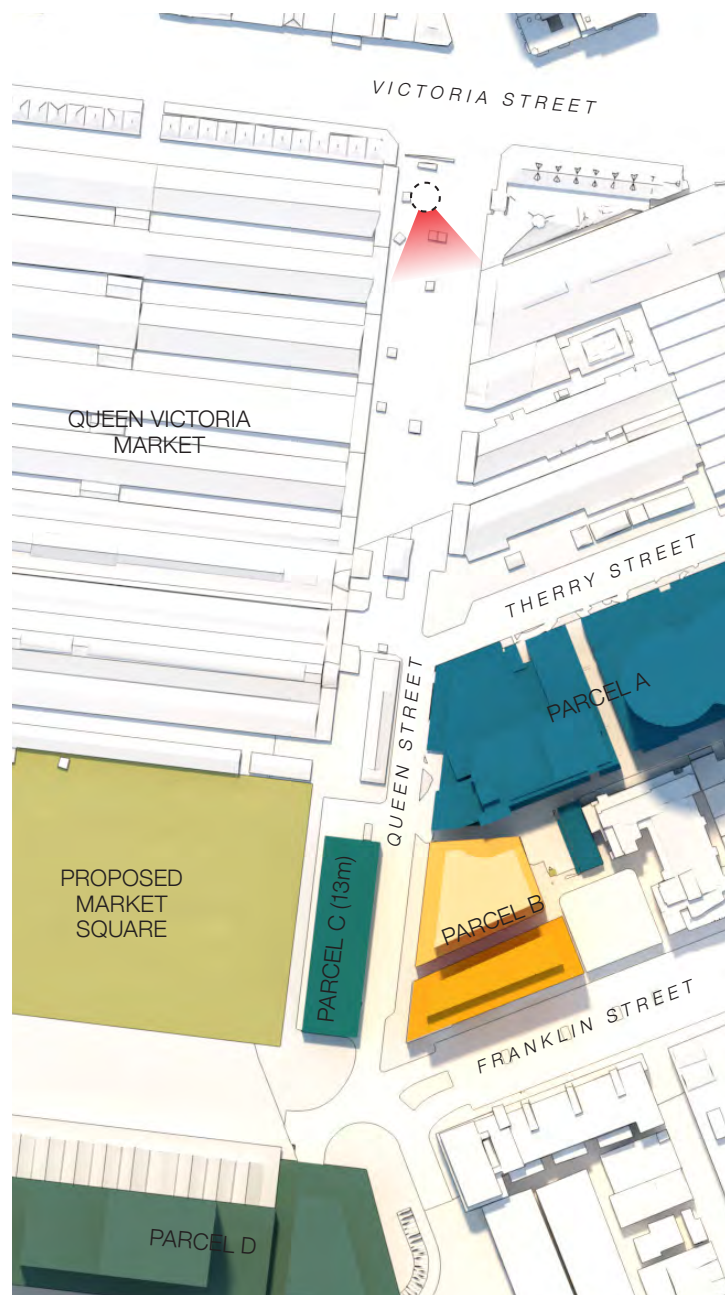
4.3 MASSING STUDIES

VIEW FROM CORNER OF QUEEN STREET AND TERRY STREET



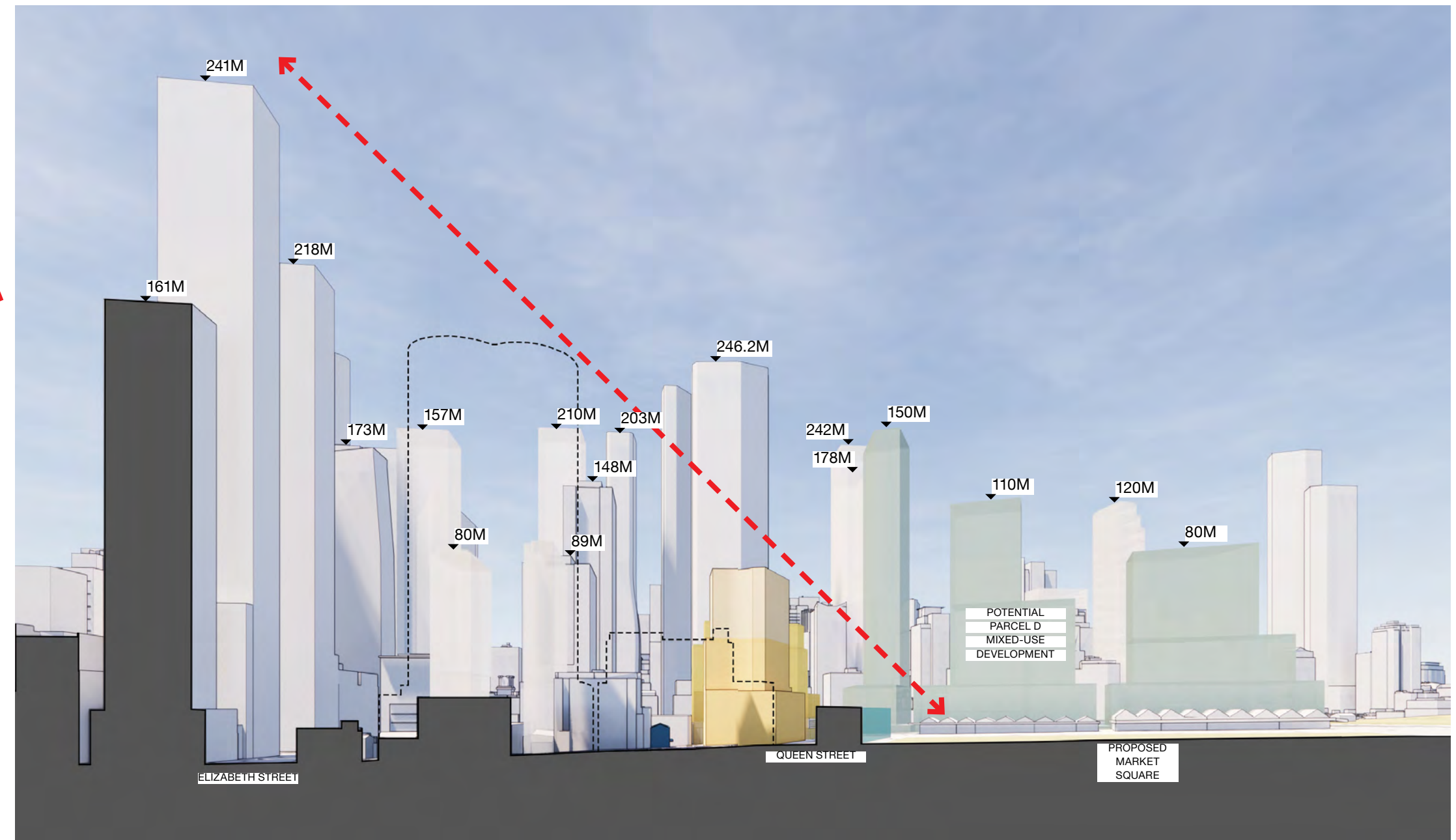
4.3 MASSING STUDIES

VIEW FROM CORNER OF QUEEN STREET AND VICTORIA STREET



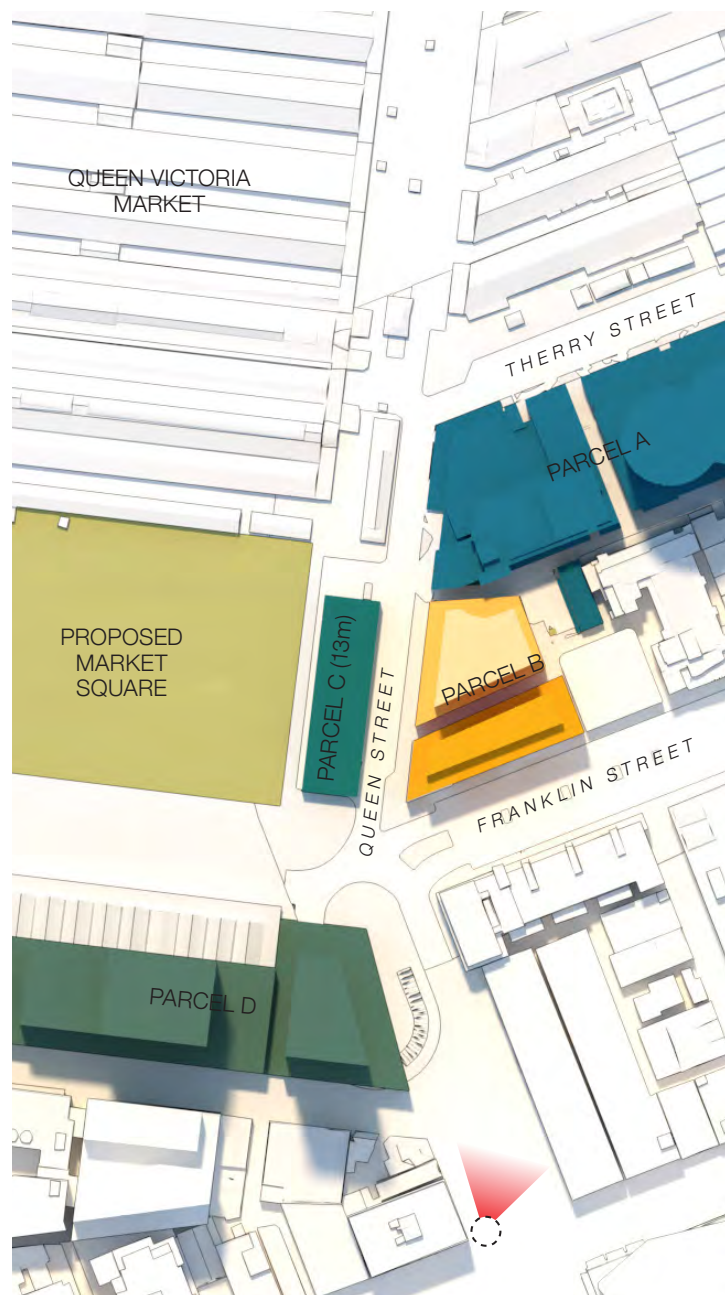
4.3 MASSING STUDIES

SECTION FACING SOUTH THROUGH ELIZABETH STREET, PARCEL B, QUEEN STREET AND MARKET SQUARE



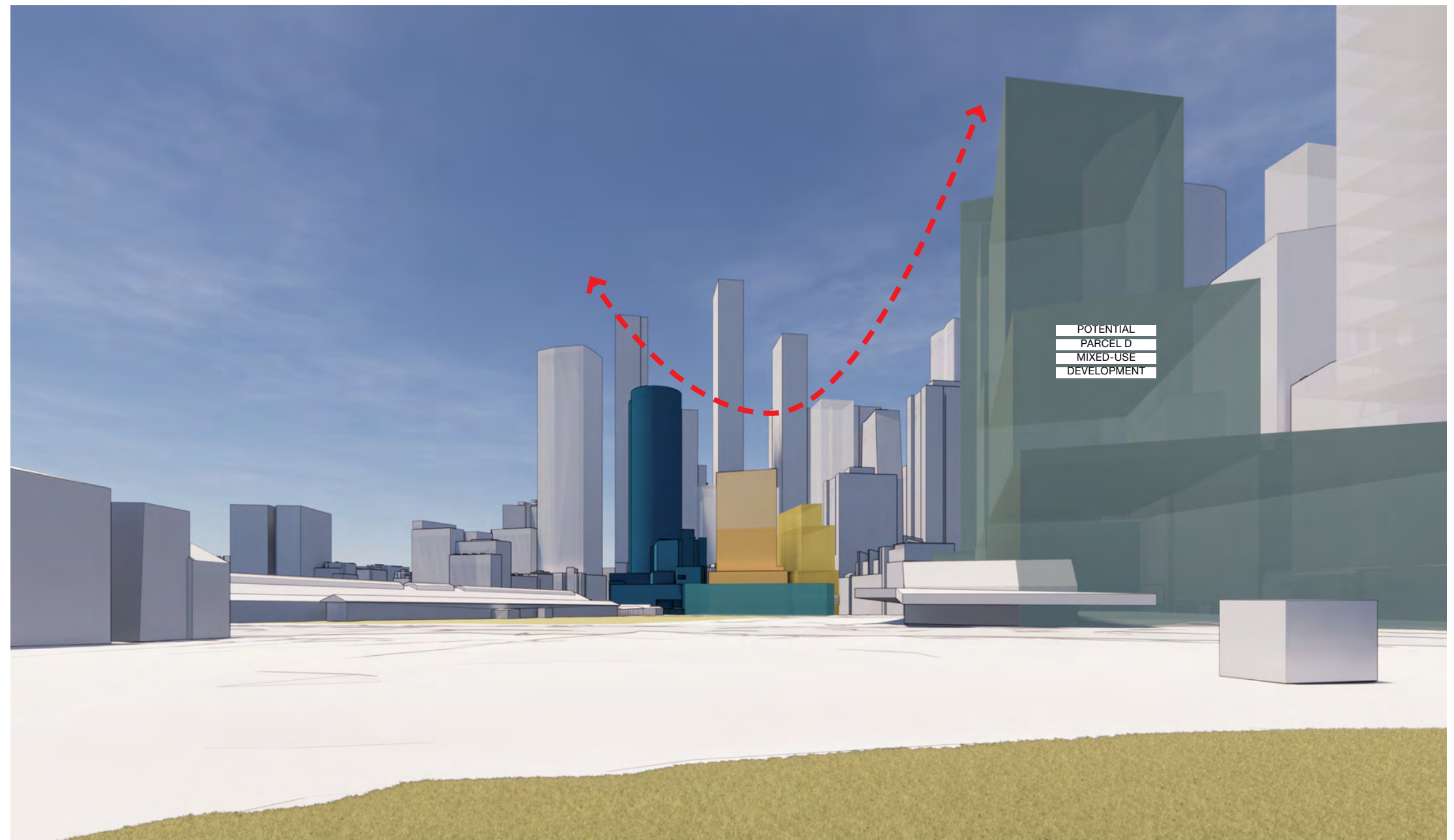
4.3 MASSING STUDIES

VIEW ON APPROACH FROM QUEEN STREET



4.3 MASSING STUDIES

VIEW FROM FLAGSTAFF GARDENS



4.4 PUBLIC REALM



QUALITY MATERIALS & FINISHES



ACTIVE FRONTAGES



CELEBRATING POCKET PARKS

MAIN STREET INTERFACES

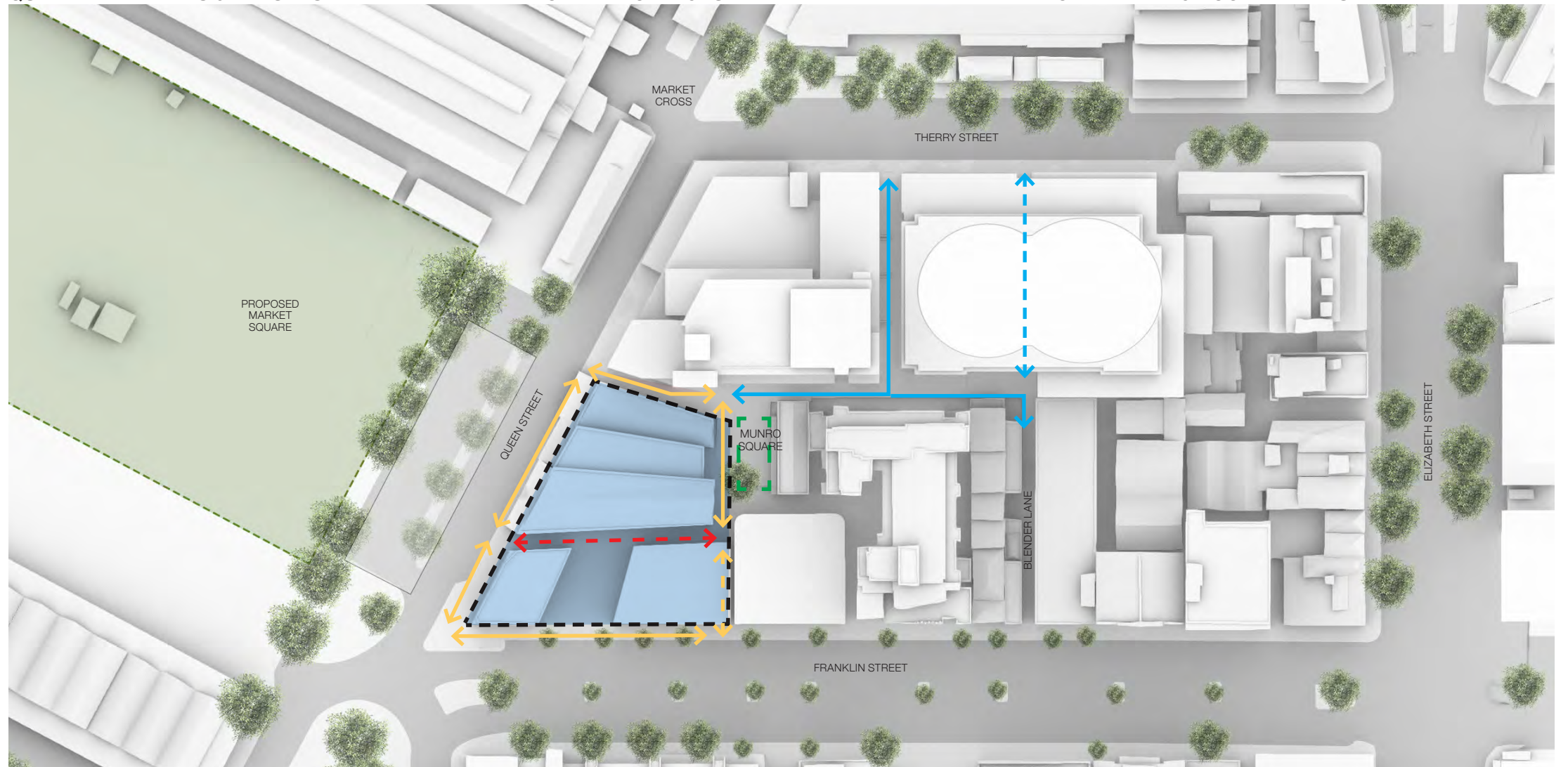
- / Quality paving consistent with the city's requirements
- / Active frontages with multiple entry points and opportunities for outdoor dining/seating to encourage people to pause, dwell and explore
- / Continuous effective weather protection utilising well resolved canopy structures
- / Retention and restoration of significant existing built form, incorporated in a meaningful way, incorporating and restoring structures in a holistic manner
- / Dispersing and minimising services on ground level to maximise active frontages

LANEWAY NETWORK

- / Extending and enhancing the existing pedestrian laneway network of the precinct
- / Facilitating ground plane permeability
- / Aiding wayfinding through the precinct
- / Providing active and passive surveillance
- / Consolidating BOH service laneway access in the centre of the parcel
- / Maximising active frontages along pedestrian routes along the periphery of the parcel

PUBLIC SPACE PEDESTRIAN EXPERIENCE

- / Enriching existing public realm focal points like Munro Square pocket park through co-location of place-making urban devices to aid with wayfinding through the laneways
- / Articulated and engaging multi level interfaces with the surrounding streets and laneways to encourage exploration and discovery
- / Providing active and passive surveillance with well considered lighting and landscaping to create a safe and inviting environment.
- / Provide public spaces that are protected from adverse wind impacts so that they are comfortable to use for outdoor cafés and walking.



4.5 CHARACTER & DESIGN QUALITY

PODIUM DESIGN AND CHARACTER

- / Retaining, restoring and incorporating quality heritage fabric into the developments to maintain a fine grain built-form character at pedestrian level
- / Parcel B north podium materiality and architectural datum lines to be in dialogue with the Queen Victoria Market building
- / Parcel B south podium materiality and character to be in dialogue with 422 Queen Street building and Melbourne Terrace Apartments
- / Quality shop front design that engages with the street and integrated architectural features to provide conditioned street interfaces
- / Multi-level activation to provide diversity in retail offerings and passive surveillance over surrounding public spaces
- / A human scaled approach to design embodying rich materiality and architectural details

TOWER DESIGN AND CHARACTER

- / Appropriate setbacks and massing that responds to the site's immediate context and location within the precinct
- / Considered orientation and programmatic planning
- / A textured and layered expression incorporating a balance of solidity and glazing as an appropriate and sustainable climatic response to the context
- / Landscaped podium rooftop terraces that are well utilised
- / An architectural response which adds to the diversity of the precinct skyline, reacting appropriately to allow precinct landmarks to shine

DESIGN QUALITY

- / Continuing an exemplary quality of design in the precinct that:
 - Is engaging, diverse and inclusive
 - Is environmentally, economically and socially sustainable
 - Promotes confidence and well being in the community
 - Is culturally rich and poetic
 - Provides high level of amenity
 - Responds to local context and character



QVM MUNRO - THERRY STREET



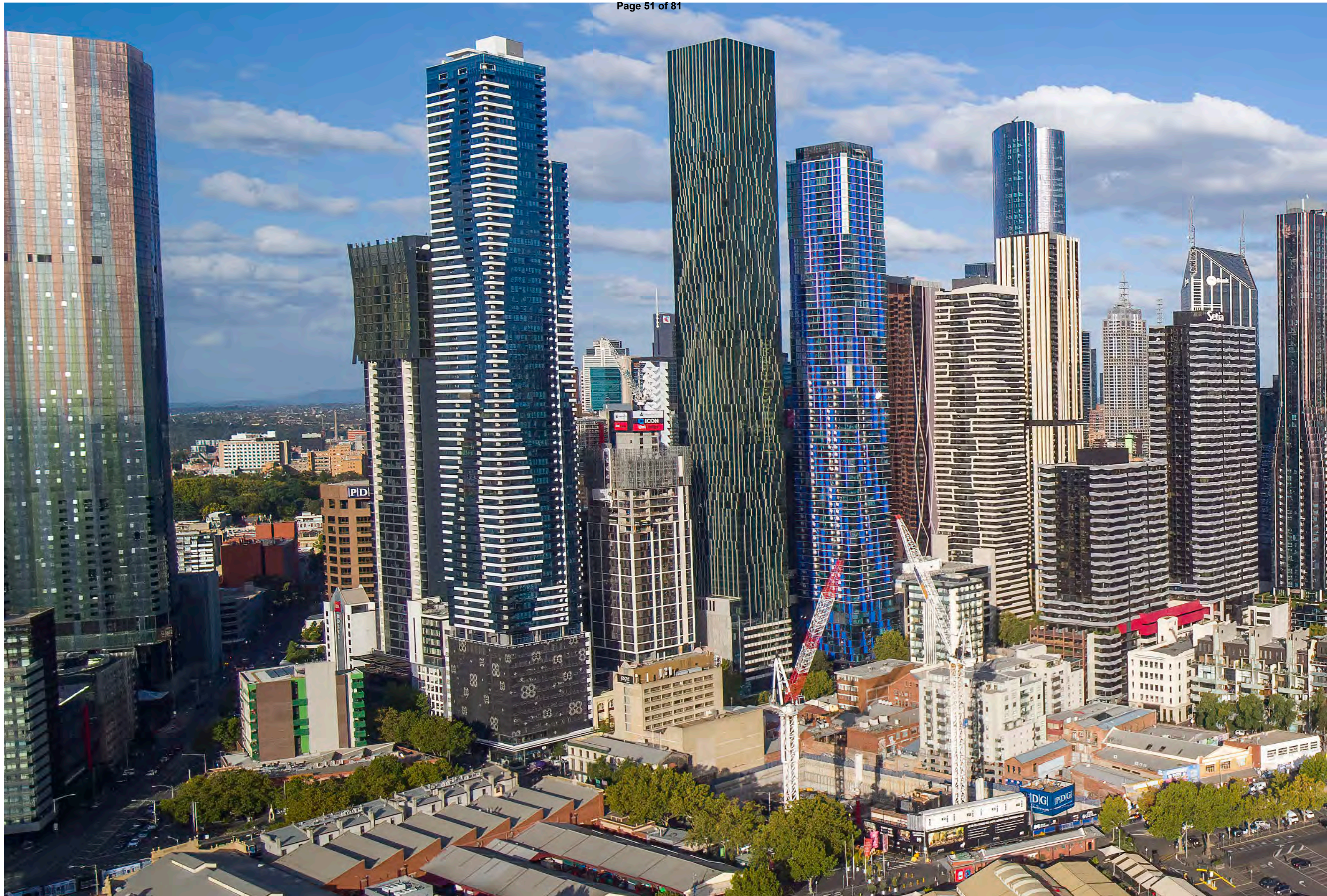
QVM MUNRO - THERRY STREET



QVM MUNRO - MUNRO LANE



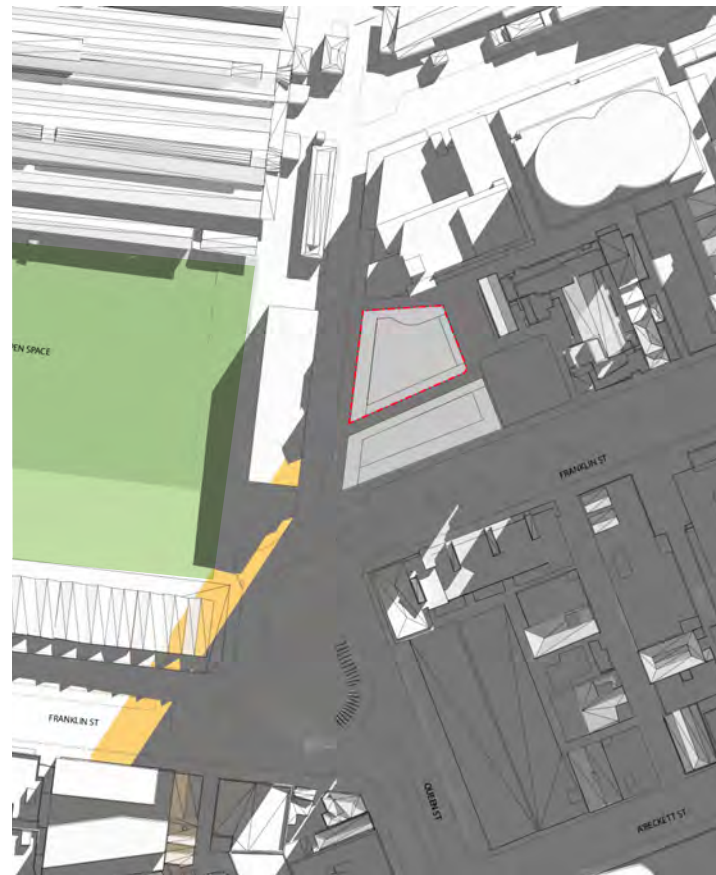
422-438 QUEEN STREET



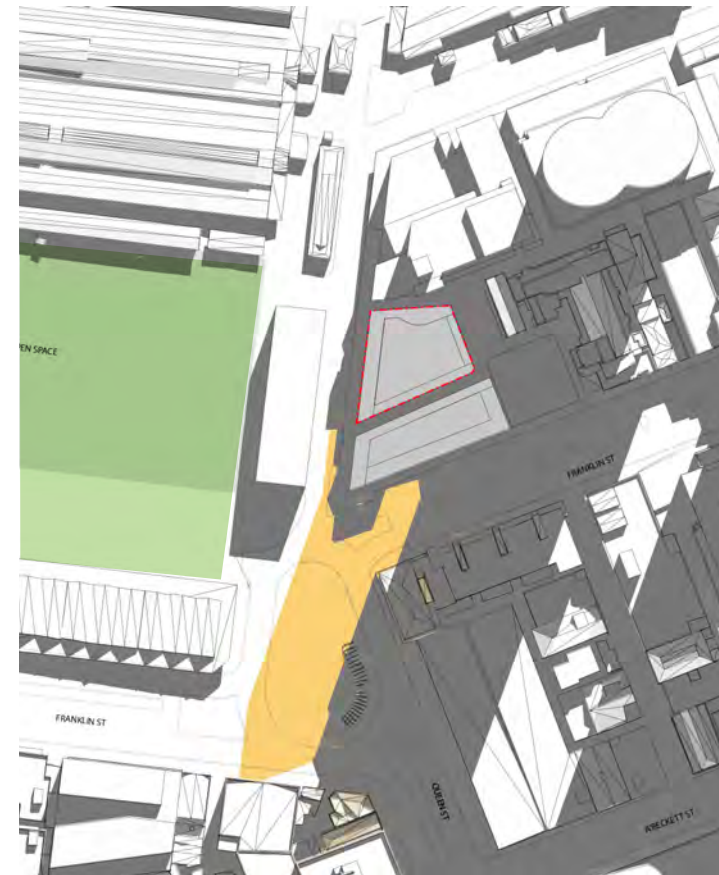


5.0 ADDITIONAL INFORMATION

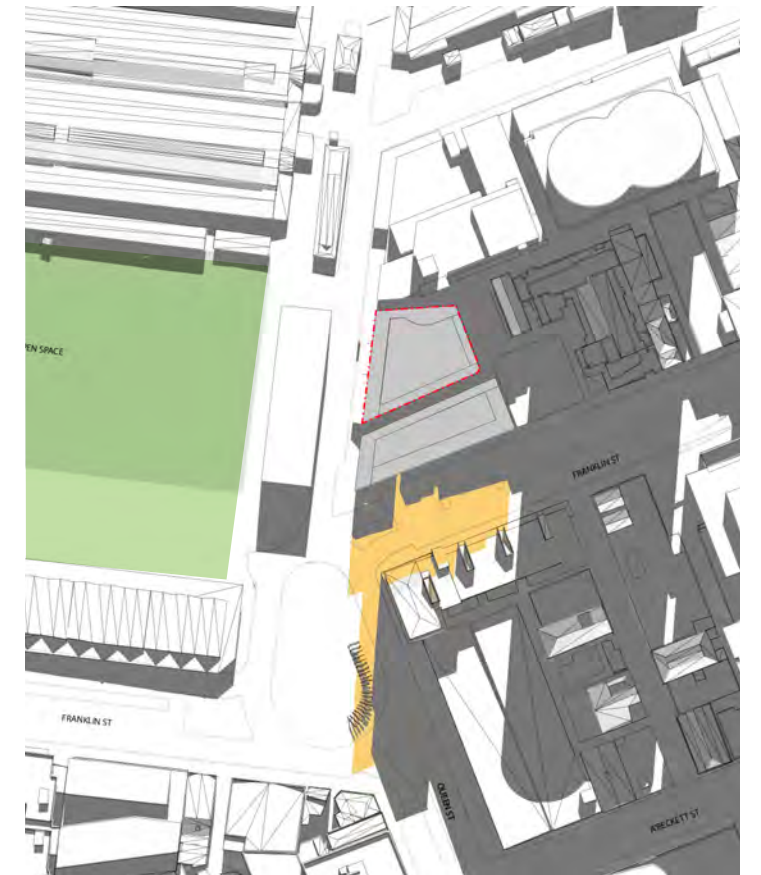
5.1 SHADOW STUDIES 22 JUNE



10am



11am

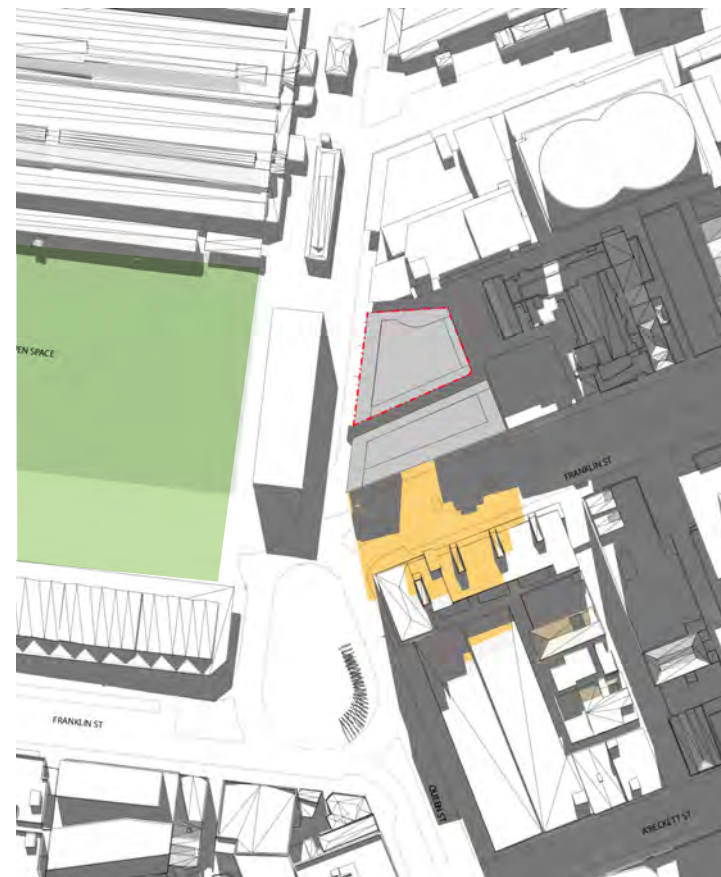


12pm

Parcel B Development additional shadow

Note: Shadow studies are preliminary and need to be verified by a shadow consultant/licensed surveyor

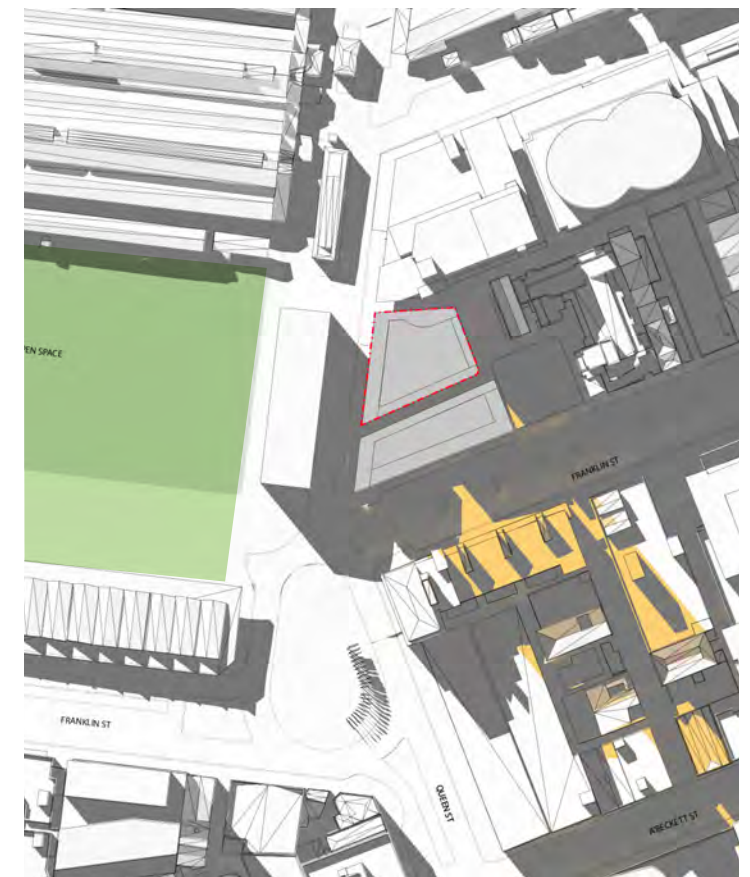
5.1 SHADOW STUDIES 22 JUNE



1pm



2pm

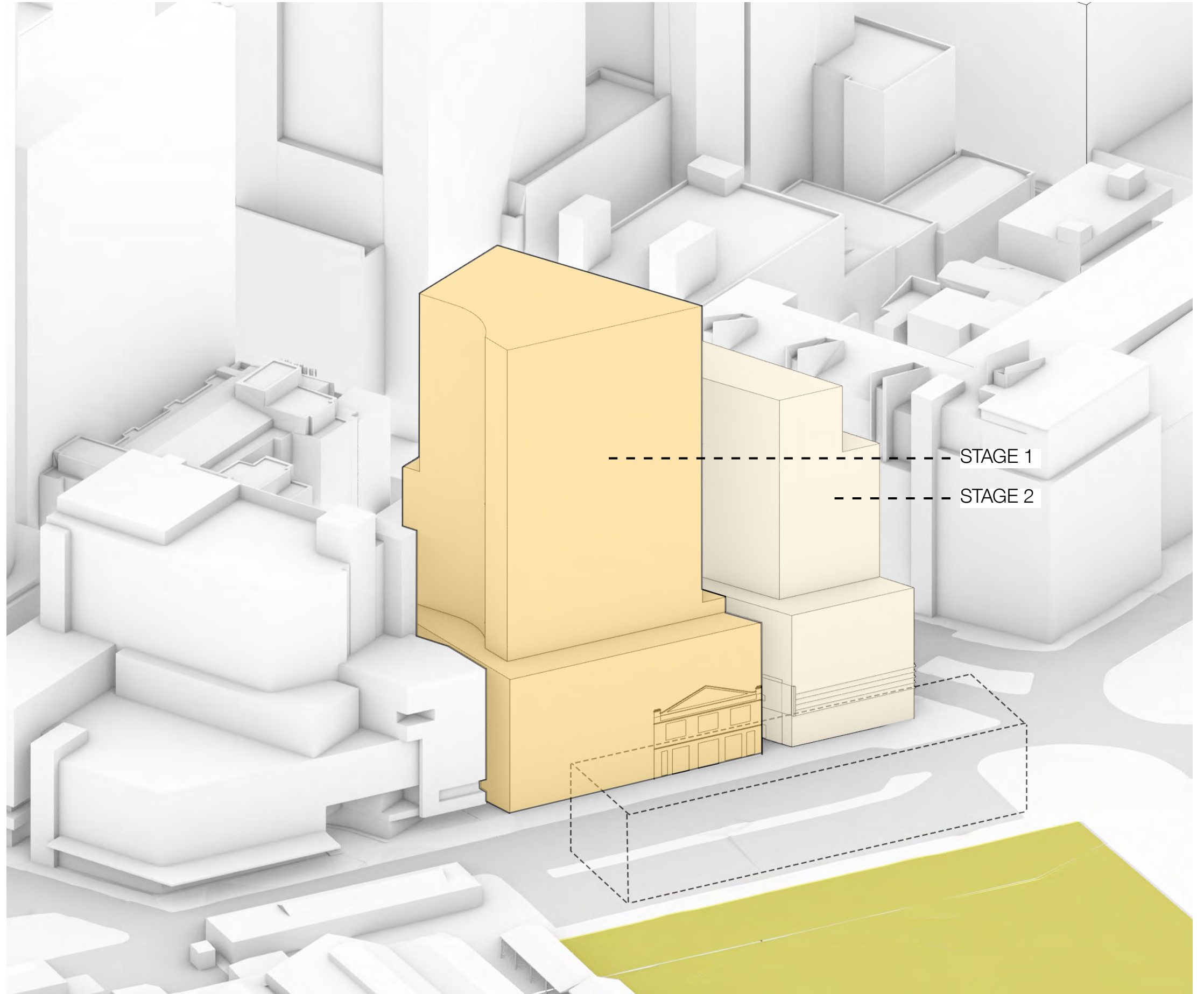


3pm

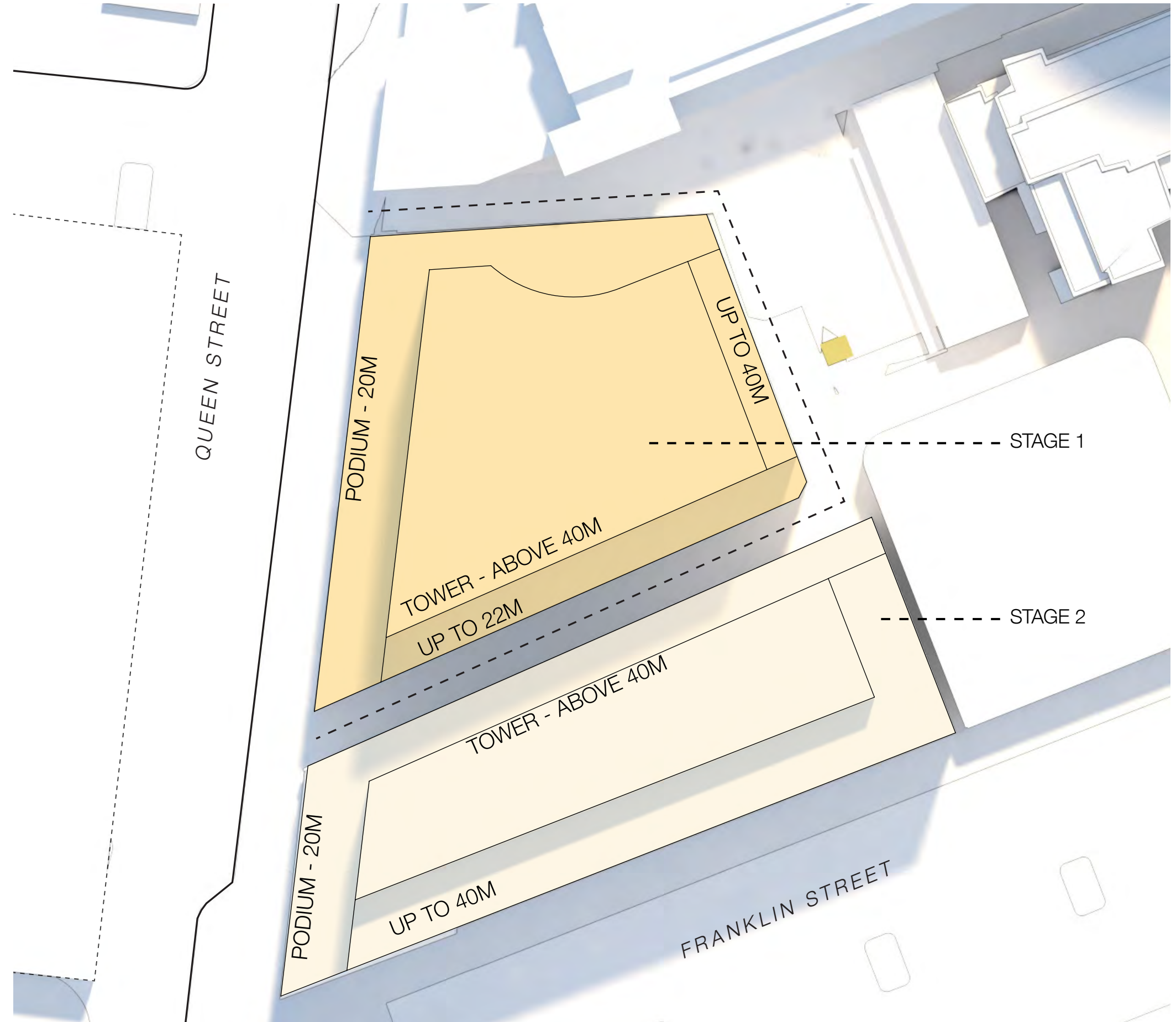
 Parcel B Development additional shadow

Note: Shadow studies are preliminary and need to be verified by a shadow consultant/licensed surveyor

5.2 STAGING DIAGRAM



5.2 STAGING DIAGRAM



DELEGATE REPORT

MINISTERIAL REFERRAL - DEVELOPMENT PLAN

City of Melbourne Application no.:	TPM-2020-57
Applicant:	Tract Consultants Pty Ltd
Owner/Address	<p>QVM Precinct Parcel B</p> <p>QVM Development Pty Ltd</p> <ul style="list-style-type: none"> ▪ 432 - 438 Queen Street, Melbourne ▪ 440 - 444 Queen Street, Melbourne ▪ 446 - 450 Queen Street, Melbourne <p>Franklin QVM Pty Ltd</p> <ul style="list-style-type: none"> ▪ 422- 428 Queen Street, Melbourne ▪ 132 - 136 Franklin Street, Melbourne ▪ 142 - 146 Franklin Street, Melbourne <p>City of Melbourne</p> <ul style="list-style-type: none"> ▪ Council Lane 1184
Architect:	Bate Smart Pty Ltd
Proposal summary:	Application for the approval of a Development Plan: QVM Parcel B Development Plan, Melbourne, to facilitate the future development of the land.
Date received by City of Melbourne:	<p>Lodged 17 July 2020</p> <p>RFI response 16 November 2020</p> <p>Revised Development Plan 3 May 2021</p>
City of Melbourne Status	<p>Ministerial Consultee</p> <p>DELWP has sought the City of Melbourne's comments on the Development Plan</p>
Responsible officer:	Kate Yuncken, Principal Urban Planner

1 SUBJECT SITE AND SURROUNDS

1.1 Subject Site

The subject site (the Site), also known as QVM Precinct Parcel B is made up of several land titles located on the north eastern corner of Queen Street and Franklin Street, Melbourne. The Site consists of land at 428 Queen Street, 432 - 438 Queen Street, 440 Queen Street, 446 - 450 Queen Street, 132 - 136 Franklin Street, 146 Franklin Street and Council Lane 1184, Melbourne.

The Site is located within the Queen Victoria Market Precinct, directly opposite the existing at-grade car park and south-east of the Queen Victoria Market sheds. The 'QVM Munro' site,

which is approved for mixed-use development and will accommodate basement car parking to replace much of the existing at-grade supply, is currently under construction to the immediate north of the site.

The Site has an approximate area of 2,200 m² and is irregularly shaped, with an approximately 62 metres frontage to Queen Street along the western site boundary and 58 metres frontage to Franklin Street along the southern site boundary.

At the east of the site, Council Lane CL1184 bends to the north and south within the site boundaries:

- The northern extension has an approximate width of 4.7 metres and terminates at the northern site boundary to the immediate south of the 'Munro Site'.
- The southern extension has a width of 0.9 metres and extends through to Franklin Street. A private laneway extends eastward from the Right of Way opposite the eastern site boundary.



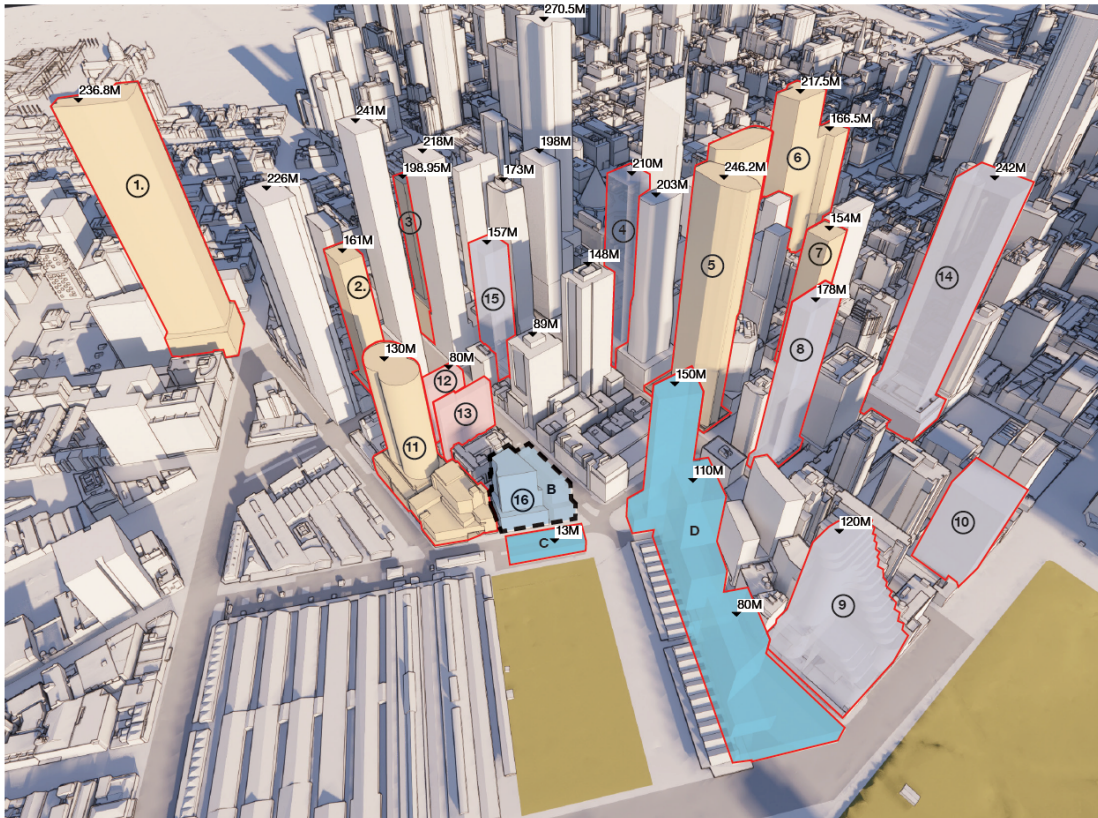
1. Map of the Site and surrounds



2. Aerial of the Site and surrounds (3 November 2020)



3. Aerial view of the Site and Surrounds including Queen Victoria Market (facing south-east):
Photograph by BatesSmart Pty Ltd



KEY

1/ Swanston Central, 168 Victoria Street. 236.8m	9/ 388 William, 386-412 William Street. 120m & 57m	UNDER CONSTRUCTION
2/ Unilodge Place 478-488 Elizabeth Street. 161m	10/ 350 William Street. 31 levels	APPROVED
3/ 97 Franklin Street. 198.95m	11/ QVM Residences, 93-141 Therry Street. 130m & 40m	PROPOSED
4/ Uno Melbourne 111 A'Beckett Street. 210m	12/ Burbank House, 96-102 Franklin Street. 80m	POTENTIAL DEVELOPMENT
5/ Queens Place, 350 Queen Street. 246.2m	13/ 110-112 Franklin Street.	
6/ 360 Melbourne, 380 Lonsdale Street. 217.5m & 166.5m	14/ 383 La Trobe Street. 24.2m	
7/ Paragon Tower, 316-320 Queen Street. 154m	15/ 441-451 Elizabeth Street. 157m	
8/ 163-169 A'Beckett Street. 178m	16/ Parcel B	

Note: Building heights are approximate and to be confirmed by licensed surveyor

4. Surrounding Built Form Analysis – Future Context: BatesSmart Pty Ltd



5. The Site - Queen Street (facing south-east): Photograph by BatesSmart Pty Ltd



6. The Site – corner Queen Street and Franklin Street (facing north-east): Photograph by BatesSmart Pty Ltd

The following table provides a summary of past and current heritage gradings / classification of each building on the Site and the applicable heritage policy to each building.

Address	Summary Description	2015 Heritage Grading	Amendment C258 Heritage Inventory Part A (February 2020)	Applicable Heritage Policy
422-428 Queen Street (148-152 Franklin Street)	Double storey shopfront building recently occupied by a café / lounge. 1964 Modernist-style double-storey commercial showroom.	C2	N/A Removed from the Part A inventory because the building is a C graded property in a City North Heritage Review precinct and these properties require further review and will be the subject of a further amendment. 422-428 Queen	Part B Policy

			Street (148-152 Franklin Street) is not in the Part B inventory because the previous inventory did not typically contain properties in the Hoddle Grid.	
432-438 Queen Street	Vacant shopfront 1924 double-storey brick gabled store.	C2	N/A Removed from the Part A inventory because it is a C graded property in a City North Heritage Review precinct and these properties require further review and will be the subject of a further amendment. 432-438 Queen Street is not in the Part B inventory because the previous inventory did not typically contain properties in the Hoddle Grid.	Part B Policy
440-444 Queen Street	Shopfront building currently occupied by a pet shop. Two storey brick warehouse with a basement. Built in 1956. Vehicle crossing provided on to Queen Street.	D2	Contributory	Part A Policy
446-450 Queen Street	Shopfront building currently occupied by a luggage retailer. c.1934 double-storey c.1930s-40s brick store.	D2	Contributory	Part A Policy

	Vehicle crossing provided on to Queen Street.			
132 Franklin Street	Single storey shopfront building recently occupied by office land use. 1896 single storey brick store with 1966 upper level addition.	D3	Contributory	Part A Policy
142-146 Franklin Street	Vacant Land	Ungraded	Ungraded	Part A Policy
Council Lane 1184	Public Laneway	Ungraded	Ungraded Council policy relating to laneways at Clause 22.20 does not identify the laneways within Parcel B as graded within its 3-tier classification system of Classes 1-3.	Part A policy

1.2 Surrounds

The Site is adjacent the Queen Victoria Market site, approximately 500 metres from Flagstaff Train Station, 400 metres from Melbourne Central Train Station and 900 metres from the University of Melbourne.

The Site is positioned within close proximity to multiple public transport options (train, trams and buses) and public open space. Flagstaff Gardens is within 350 metres. The Site is also directly across Queen Street from the new Market Square Park proposed under the QVM Precinct Renewal Master Plan.

To the north of the Site is the QVM Munro development, which is currently under construction. The Munro development will include a child care centre, provision of family services, community meeting rooms and event spaces, commercial and retail spaces and residential uses (hotel, serviced apartments, residential accommodation and affordable housing). The built form of the QVM Munro development varies from 14 metres to 130 metres.

To the west is Queen Street which directs traffic one-way north east, between Franklin Street and Therry Street. The carriageway is approximately 15 metres wide, with provision for parallel parking. There are footpaths on either side of the street and a pedestrian crossing in front of 432-438 Queen Street.

Further west of Queen Street is the Queen Victoria Market car park and a single storey brick building comprising public toilets and ATM facilities. The Queen Victoria Market is located north of the car park, approximately 50 metres north-west of the site.

To the south of the Site is Franklin Street which connects to Queen Street to the west and Elizabeth Street to the east.

Further south of Franklin Street are numerous multi-storey commercial and residential apartment blocks that accommodate ground level retail.

To the east is a former brick warehouse that has recently been renovated, with residential properties on the first and second level and retail on the ground level. Directly north of this building is the proposed Munro Square, which is a publicly accessible open square that is part of the broader QVM Munro development.

2 WHAT IS A DEVELOPMENT PLAN?

An application to approve a development plan is distinct from an application for a planning permit. This is an important distinction, as the statutory process and level of detail and information required to approve a development plan is substantially different from the requirements bearing on an application for a planning permit.

The applicant seeks approval of the proposed Development Plan for the Queen Victoria Market Precinct Parcel B under Schedule 11 to *Clause 43.05 Development Plan Overlay*.

The submission does not seek a planning permit for the future use and development of the land.

An application (or applications) for a planning permit can only be approved after a development plan has been approved.

2.1 Concurrent Planning Application

Ministerial Planning Application PA2000875 (MCC ref: TPM-2020-49) has been submitted for Stage 1 of the proposed Development Plan. The land includes 432-438, 442 and 450 Queen Street, Melbourne has been referred to the City of Melbourne for comment. The planning application seeks approval for:

Part demolition and buildings and works for the purpose of a multi-storey building comprising of retail, affordable housing, residential hotel and residential apartments

The Future Melbourne Committee will be considering Ministerial Planning Application PA2000875 (MCC ref: TPM-2020-49) on 15 June 2021. Council's administration has recommended the City of Melbourne does not object to the application subject to the conditions which do not require any change to the built form.

3 DEVELOPMENT PLAN BACKGROUND

3.1 Pre-application discussions

Pre-application discussions were held at the Department of Environment, Land, Water & Planning (DELWP) in 2018, 2019 and 2020. Further meetings have been held with the agencies and the applicant during the application process. In summary the following matters were discussed:

- Master planning including location and width of laneways.
- Building heights and setbacks.
- Heritage.
- Pedestrian access through the Site.
- Vehicle access to and from the Site.

3.2 History of Development Application and Planning Permit Application

On 20 May 2020 the Development Plan application was lodged with DELWP. The planning permit application was lodged on 21 May 2020. Both the Development Plan application and Planning Permit application were referred to Melbourne City Council on 11 June 2020.

On 17 June DELWP requested further information (RFI) for both the applications pursuant to Section 54(1) of the *Planning and Environment Act 1987*.

On 16 October 2020 the applicant responded to the RFI and also revised the applications in response to meetings held with DELWP and City of Melbourne. The applications were referred to the City of Melbourne by DELWP on 30 October 2020.

The City of Melbourne officers raised the following concerns with the proposed 40 metre podium for Stage 1:

- The 40 metre podium height does not positively respond to the narrow width of the laneway and is not an appropriate level of street enclosure.
- Poor amenity outcomes for south facing habitable rooms in the podium of Stage 1.

The City of Melbourne officers recommended the proposed 40 metre podium for Stage 1 be reduced to approximately 20 metres. The reduced podium height will ensure:

- A human scale.
- Complement adjoining building podiums.

- Improved daylight to the south facing habitable rooms for Stage 1 and Council Lane CL1184.

On 3 May 2021 the applicant amended the Development Plan and Planning Application by reducing the height of the southern section of the podium (Stage 1) from 40 metres to 22 metres and increased the height of the tower (Stage 1) from 65 metres to 67 metres.

4 PROPOSAL

4.1 Requirements of Development Plan Overlay – Schedule 11 (DPO11)

Clause 3.0 of DPO11 requires that a Development Plan submitted for approval to the Responsible Authority must include the following:

A Planning Report that demonstrates how the Development Plan is consistent with this schedule.

The draft Development Plan has been prepared and responds to the vision and requirements of Development Plan Overlay – Schedule 11 (DPO11 – Queen Victoria Market Environs).

The purpose of the Development Plan is to guide the future use and development of the site in the context of the broader Queen Victoria Market (QVM) precinct.

The report is prepared in response to the above requirement and provides a specific response to the built form requirements and Built Form Outcomes of DPO11 (Table 1) and the broader vision statements set out at Clause 3.0 of DPO11 (Section 3) as they relate to Parcel B.

4.2 Summary of Proposed Development Plan

The proposed Development Plan for the Queen Victoria Market Precinct Parcel B can broadly be described as comprising two stages and includes two built form envelopes and internal laneways.

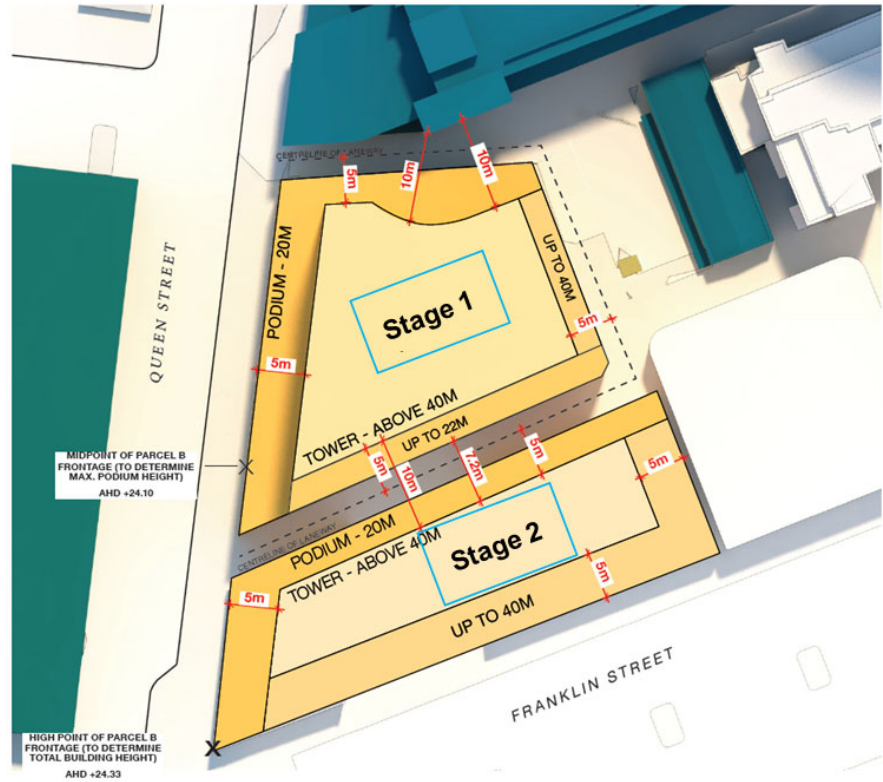
- **Stage 1** comprises of the properties at 432 - 438 Queen Street, 440-444 Queen Street, and 446 - 450 Queen Street, Melbourne. Stage 1 of the Development Plan will provide:
 - One mixed-use built form envelope comprising of a podium tower format.
 - The podium heights vary from 20 metres to 40 metres.
 - The maximum height of the tower is 67 metres.
 - Minimum tower setbacks vary from 5 metres from the centre of the laneway to approximately 7 metres.
 - Vehicle access to the Stage 1 is via a Council Laneway (CL1184) south of Stage 1 which runs east-west and bisects Parcel B.
- **Stage 2** comprises of the properties at 422- 428 Queen Street, 132 - 136 Franklin Street, and 142 - 146 Franklin Street, Melbourne. Stage 1 of the Development Plan will provide:
 - One mixed-use built form envelope comprising of a podium tower format.
 - The podium heights vary from 20 metres to 40 metres.
 - The maximum height of the tower is 50 metres.

- Minimum tower setbacks vary from 5 metres from the centre of the laneway to approximately 5 metres elsewhere.
- Vehicle access to the Stage 2 is via 3.8 metre wide council laneway (CL1184) north of Stage 2 which runs east-west and bisects Parcel B.

3.1 BUILT FORM & SETBACKS

PARCEL B

Podium Height:	20m
Mandatory Max.	
Tower Setback:	
Discretionary Min. from Queen St. Frontage:	10m
Mandatory Min. from Franklin St. Frontage:	5m
Discretionary Min. from Sides / Rear / CL of Laneways below 40m:	0m
Mandatory Min. from Sides / Rear / CL of Laneways above 40m:	5m
Tower Separation:	
Discretionary Min.	24m
Mandatory Min.	10m
Building Heights:	
Discretionary Height	40m



7. Built Form and Setbacks and Development Plan Staging - QVM Precinct Parcel B Development Plan April 2021 by BatesSmart Pty Ltd

3.1 BUILT FORM & SETBACKS

- / 20m podium height from DPO11
- / 40m discretionary height
- / 67m total height to north portion (excluding plant) is derived from the surrounding context
- / 50m total height to south portion (excluding plant) is derived from the surrounding context

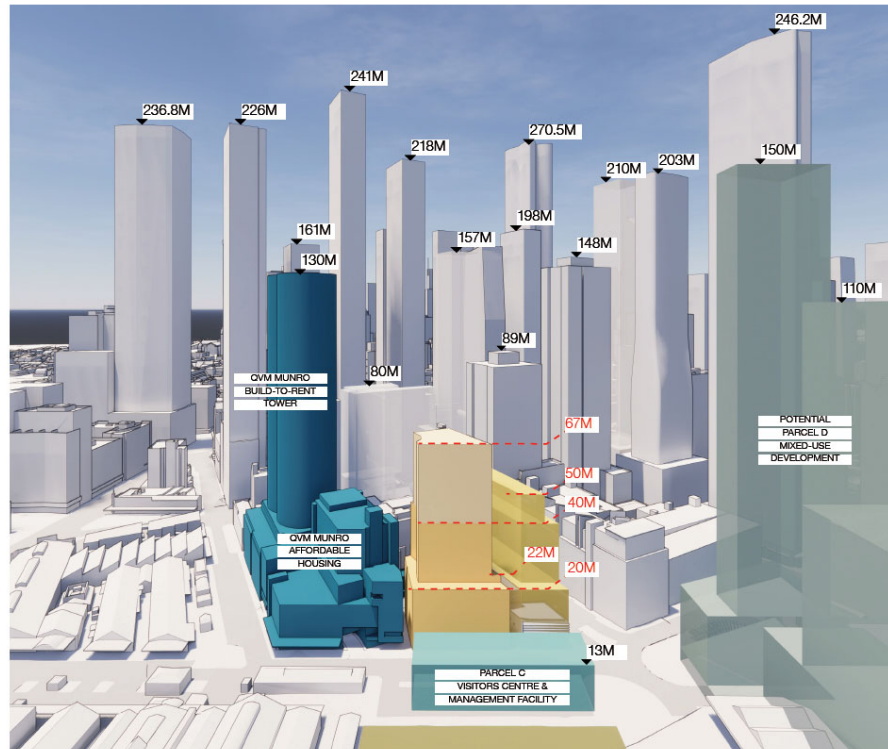
This document demonstrates that both Stage 1 and Stage 2 of Parcel B are able to accommodate additional height beyond the discretionary height limit of 40 metres whilst continuing to achieve the key design guidelines and requirements for Parcel B set out at Table 1 of DPO11, specifically:

- Parcel B. Ensure that development provides a moderating transition to the future proposed public open space and the future visitor centre.

- New development should not cast a shadow across Flagstaff Gardens or the proposed public open space in Figure 1 between 11:00am and 2:00pm on June 22, unless the Responsible Authority considers the overshadowing will not significantly prejudice the amenity of the open space.

Refer to Sections 4.3 - Massing Studies and 5.1 - Shadow Studies for supporting 3D modelling and shadow analysis in support of the proposed heights.

Refer also to the supporting Planning Report prepared by Tract Consultants (April 2021)



8. Built Form and Setbacks - QVM Precinct Parcel B Development Plan April 2021 by BatesSmart Pty Ltd

5 STATUTORY CONTROLS

5.1 Zone and Overlays

The below table sets out the planning controls that affect the Site.

Section	Policy
Planning Policy Framework	Clause 9 – Plan Melbourne Clause 10 – Operation of the State Planning Policy Framework Clause 11 - Settlement Clause 15 – Built Environment and Heritage Clause 16 – Housing Clause 17 – Economic Development Clause 18 – Transport
Local Planning Policy Framework	Clause 21.01 – Municipal Profile Clause 21.02 – Vision Clause 21.04 - Settlement Clause 21.06 – Built Environment Clause 21.07 – Housing Clause 21.16 – Other Local Areas Clause 22.01 – Urban Design within the Capital City Zone – <i>Not applicable</i> Clause 22.02 – Sunlight to Public Spaces – <i>Not applicable</i> Clause 22.19 – Energy, Water and Waste Efficiency - <i>Not applicable</i> Clause 22.23 – Stormwater Management (WSUD) - <i>Not applicable</i>

Statutory Controls	
<p>Clause 37.04</p> <p>Capital City Zone, Schedule 1 (Outside the retail core) (CCZ1)</p>	<p>Not applicable</p> <p>This clause will apply to any future planning application however is not applicable for this development plan.</p> <p>Pursuant to Clause 37.04-4 a permit would be required to (<i>inter alia</i>):</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 3 of 37.04-1, a permit is required to (<i>inter alia</i>):</p> <ul style="list-style-type: none"> Construct a building or carry out works. To construct a building which does not extend to the road boundary of the site.
<p>Clause 43.01</p> <p>Heritage Overlay, Schedule 7 – Queen Victoria Market Precinct (HO7)</p>	<p>Not applicable</p> <p>This clause will apply to any future planning application however is not applicable for this development plan.</p> <p>Pursuant to Clause 43.01-1 a permit is required to (<i>inter alia</i>):</p> <ul style="list-style-type: none"> Demolish or remove a building. Construct a building or carry out works. Externally alter a building.
<p>Clause 43.02</p> <p>Design and Development Overlay 1 – Active Street frontage – Area 2</p>	<p>Not applicable</p> <p>This clause will apply to any future planning application however is not applicable for this development plan.</p> <p>A permit is required to carry out buildings and works.</p> <p>The provisions of the overlay relate to ground floor frontages and require the provision of ground floor shops and activation along Major Pedestrian Areas and Key Pedestrian Routes within the CCZ1</p>
<p>Clause 43.04</p> <p>Development Plan Overlay 11 (DPO11 – Queen Victoria Market Precinct)</p>	<p>Applicable</p> <p>A planning permit may be granted to use, subdivide land or for minor buildings and works to an existing development before a development plan has been prepared to the satisfaction of the responsible authority.</p> <p>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.</p> <p>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"> The approved Development Plan. The <i>Queen Victoria Market Precinct Framework Plan 2017</i> at Figure 1. The Vision in Clause 3.0. <p>Any permit issued for the use, subdivision or development of the land must be compliant with the provisions of Table 1.</p> <p>A permit must not be granted for a development that does not meet the mandatory requirements in Table 1.</p> <p>Schedule 11 to the Development Plan Overlay (DPO11) sets out the requirements against which the responsible authority must assess the Development Plan for Parcel B, before determining whether it has been prepared to its satisfaction.</p>

	Compliance with the requirements of DPO11 represents the key test for this Ministerial referral (MCC reference TPM-2020-57).
Clause 45.09 Parking Overlay Schedule 1 Capital City Zone – Outside the Retail Core)	Not applicable Pursuant to Clause 52.06-2, 'before a new use commences, the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority'.

Particular Provisions	
Clause 52.06 Car Parking	Not applicable This clause will apply to any future planning application however is not applicable for this development plan.
Clause 52.34 Bicycle Facilities	Not applicable This clause will apply to any future planning application however is not applicable for this development plan.
Clause 53.01 Public Open Space Contribution and Subdivision	Not applicable This clause will apply to any future planning application however is not applicable for this development plan.
Clause 53.18 Stormwater Management in Urban Development	Not applicable This clause will apply to any future planning application however is not applicable for this development plan.
Clause 58 Apartment Developments	Not applicable This clause will apply to any future planning application however is not applicable for this development plan.

General Provisions	
Clause 65.01 – Approval of an application or plan	Applicable The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the Planning and Environment Act 1987.

Operational Provisions	
Clause 72.01 Responsible Authority for this Planning Scheme	Applicable Pursuant to the Schedule to Clause 72.01- 2, The Minister for Planning is the responsible authority for administering and enforcing the scheme for Land included in the Development Plan Overlay, Schedule 11 – Queen Victoria Market Precinct Framework Plan Area (Figure 4 of this Schedule).



6 PUBLIC NOTIFICATION

The notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987 do not apply to an application for approval of a development plan.

The Department of Environment, Land, Water and Planning (DELWP), on behalf of the Minister for Planning, has referred the proposed Development Plan to the City of Melbourne for comment and advice.

Consultation of the Development Plan is the responsibility of DELWP.

7 REFERRALS

The application was referred to the following internal departments and a summary of the advice provided is noted below.

7.1 City Design Advice (Landscape)

City Design – supportive of the proposal and recommends widening of the narrow north south laneway

This advice is focused on the access provided, the adjacent amenity and the surface treatments of the proposed laneways and their integration with adjacent works.

Laneway CL1184 use, activation and dimensions

Support is given for the retention of laneway CL1184's pedestrian connectivity to Munro Square and its connecting spaces as proposed by the adjacent 93 - 114 Therry Street development. It is assumed the City of Melbourne will take into account the laneway's connectivity role and relative narrowness (3.8 m) in assessing any future private applications for laneway use.

Laneway interface between 132 Franklin Street and 128 Franklin Street

The proposal for Parcel B also intends to retain in its current width the existing approximately 1.0 m wide laneway between 132 Franklin Street and 128 Franklin Street. As suggested in the Heritage Impact Statement (above) this laneway has a number of functions including:

- *A potential path to Franklin St and the on street loading bay* in Table 3 of the Cardno Traffic Report
- *A potential link* shown in section 4.4, Public Realm, page 46 of the Bates Smart QVM Precinct Parcel B Development Plan.

Page 2 of the Tract Town Planning report offers the following statement for the treatment of the laneway:

'the interface between 132 Franklin Street and 128 Franklin Street to the east is not considered to present any issues with respect to equitable development rights as the interface is likely to be treated with a sheer boundary condition either side of the circa one metre wide laneway that separates the two parcels of land.'

Changes to the built form should be required so the proposal contributes to improved safety and environmental conditions appropriate to the suggested laneway use. 'Massing Studies' in 5.2 of the Bates Smart QVM Precinct Parcel B Development Plan proposes a tower of up to 40 m. Further to this section 5.1, Shadow Studies, shows the laneway to be overshadowed and therefore dark.

Any widening of this laneway for safety and access reasons is supported and it is recommended a formal Safety Audit and lighting plan for the laneway is commissioned and reviewed as part of future submissions.

Pedestrian laneway surfaces

The Cardno Traffic Management report comments on page 9: '*These laneways front the public and commercial areas associated with the adjacent Munro Development and will leverage off the pedestrian activity forecast to be in this area.*' It is recommended the laneway pavements be DDA compliant and consistent with City of Melbourne Assets requirements.

7.2 Infrastructure Advice

Infrastructure – supportive of the proposal and also recommends widening of the narrow north south laneway and a 2.0 x 2.0 metres corner splay be provided at the south-west corner of the Site

- Recommend widening the southern part of the laneway to improve connectivity with Franklin Street. This part of the laneway is approximately one metre wide and it is currently required for the provision of drainage. The narrow laneways do not complement the amenity of the public realm and provide unsafe environment for vulnerable road users.
- A minimum of 2.0 metres x 2.0 metres corner splay shall be provided at the south-west corner of the Site to provide adequate sightlines within the intersection.

Planner response:

The above advice recommends amending the Development Plan so the north south laneway on the eastern section of the Site is wider and the building on the north-west corner of Queen Street and Franklin Street has a 2.0 metre x 2.0 metre corner splay.

It is appreciated these changes have been recommended from a safety and pedestrian permeability perspective however the proposed changes would result in partial demolition of heritage buildings on the Site. The demolition of heritage fabric requires a full assessment

against the heritage requirements of the Melbourne Planning Scheme and should be considered at the planning application stage not through a development plan.

8 ASSESSMENT

The proposed Development Plan provides a vision and concept scheme for QVM Parcel B. Subject to the recommendations concluded from the following assessment, the proposed Development Plan meets the requirements set out in Schedule 11 to the Development Plan Overlay.

8.1 Key Considerations

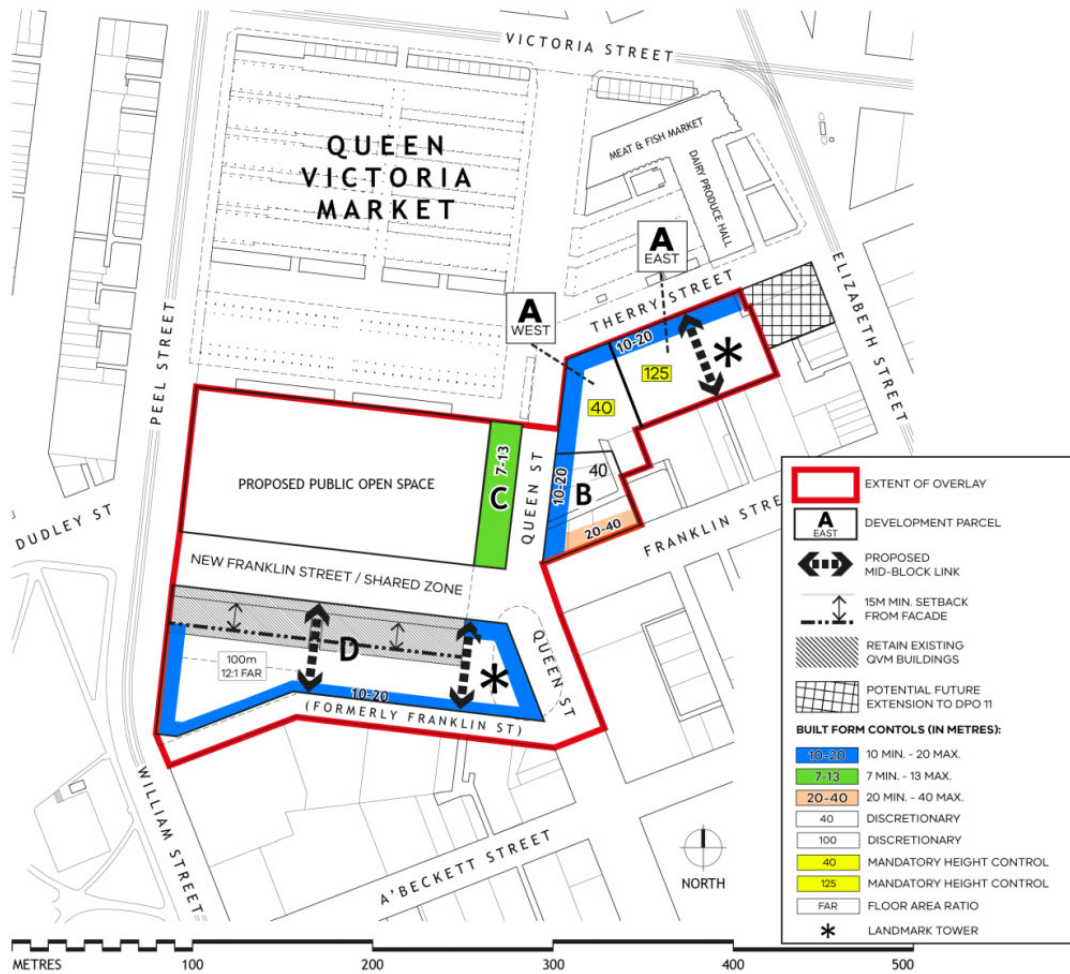
The requirements which apply to a development plan submitted under Schedule 11 to the Development Plan Overlay are:

- The Development Plan must be generally in accordance with *the Queen Victoria Market Precinct Framework Plan 2017* Figure 1 contained in DPO11.
- The Development Plan must be consistent with the Vision statements contained in DPO11.
- The Development Concept Plan achieves the mandatory and discretionary built form and amenity provisions.
- Staging of development on the Site.
- The significance of the Queen Victoria Market being preserved.

8.2 DPO11 – The Queen Victoria Market Precinct Framework Plan 2017

The Development Plan is in accordance with the *Queen Victoria Market Precinct Framework Plan 2017* at Figure 1 at Clause 3.0 of Schedule 11 to the Development Plan Overlay.

The proposed street wall heights, locality of existing and new roads and pedestrian links contained in the Development Plan are consistent with the *Queen Victoria Market Precinct Framework Plan 2017*.



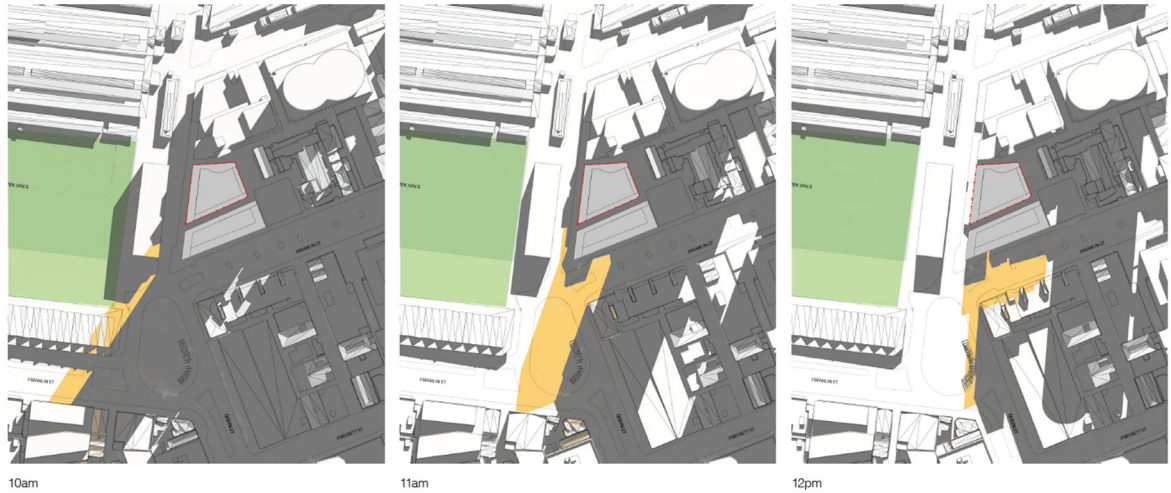
9. Queen Victoria Market Precinct Framework Plan 2017 at Figure 1 at Clause 3.0 of Schedule 11 to the Development Plan Overlay

8.3 DPO11 – Vision Statements

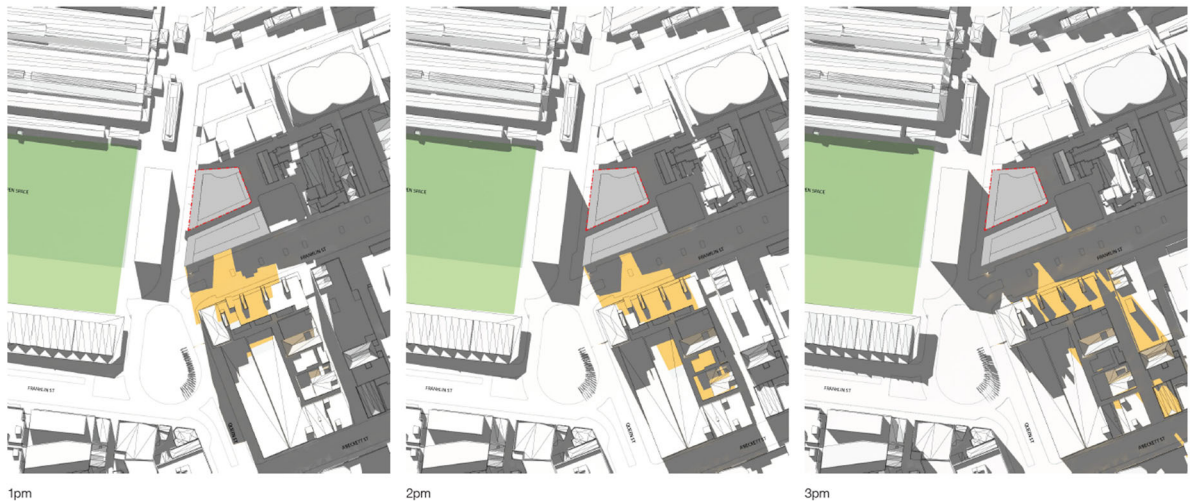
The proposed Development Plan is consistent with the Visions Statements contained in DPO11. Of note, the proposed Development Plan achieves the following high level Vision Statements:

- Development/s on the Site, limited to a maximum of 67 metres, will contribute to the area’s distinctive character by reinforcing the distinction between the Hoddle Grid and Queen Victoria Market.
- Use and development will contribute to safe and activated streets and public spaces. The podiums have been appropriately scaled and incorporate ground floor uses which foster interaction with the street and uses at upper levels that achieve passive surveillance of public spaces.
- The proposed Development Plan defines and activates the Queen Victoria Market’s edge and does not overwhelm the public domain or adversely affect the Queen Victoria Market’s heritage significance.
- The profiles of the building envelopes transition downwards in scale towards the proposed public open spaces and Franklin Street.

- The proposed Development Plan has been configured and designed to ensure appropriate solar access to the proposed public open space shown and the Flagstaff Gardens (see the shadow studies from the Development Plan below).
- Laneways have been configured to provide through block pedestrian links. Vehicle and loading access is proposed to be isolated to the existing east-west laneway which bisects Parcel B.
- Edges of buildings have been activated. Active frontages are provided to Queen Street, Franklin Street as well as the north and east laneway.



10. Shadow Diagram 22 June 10am, 11am and 12pm - QVM Precinct Parcel B Development Plan April 2021 by BatesSmart Pty Ltd



11. Shadow Diagram 22 June 1pm, 2pm and 3 pm - QVM Precinct Parcel B Development Plan April 2021 by BatesSmart Pty Ltd

8.4 DPO11 Built Form (Table 1)

Clause 3.0 of DPO11 requires a Development Concept Plan which provides:

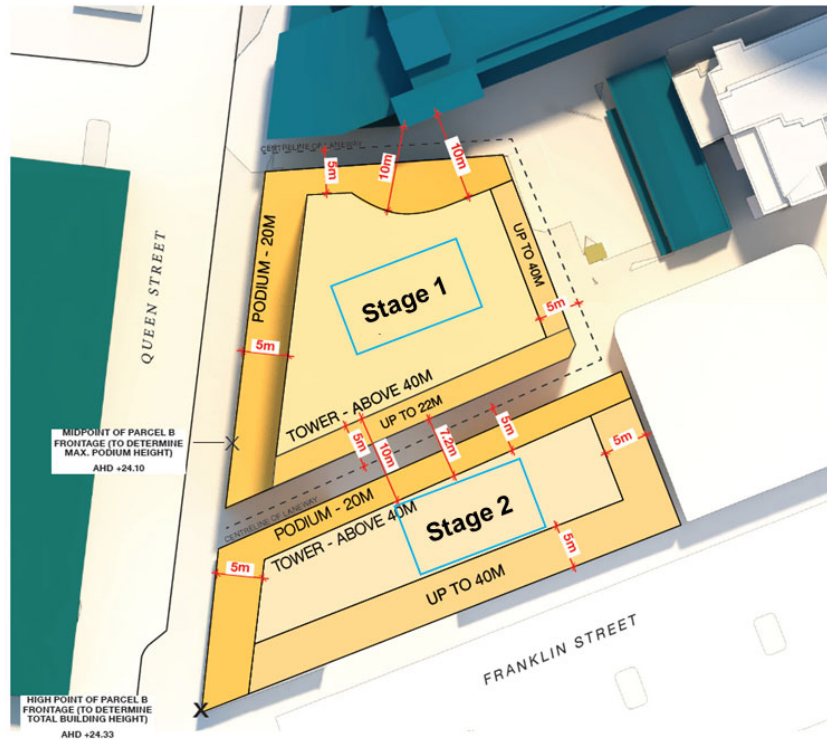
- Building heights and setbacks which achieve the mandatory and discretionary built form and amenity provisions, and the floor area ratios (where applicable), set out in this schedule (including Table 1).

It is noted that some of the built form outcomes are not applicable at the Development Plan stage and can only be met at the planning application stage such as high quality building wall treatments, detailing which responds to the heritage context and wind impacts.

All future planning applications will be subject to the development demonstrating that the Built Form outcomes are met.

3.1 BUILT FORM & SETBACKS

- PARCEL B**
- Podium Height:**
Mandatory Max. 20m
 - Tower Setback:**
Discretionary Min. from Queen St. Frontage: 10m
Mandatory Min. from Franklin St. Frontage: 5m
Discretionary Min. from Sides / Rear / CL of Laneways below 40m: 0m
Mandatory Min. from Sides / Rear / CL of Laneways above 40m: 5m
 - Tower Separation:**
Discretionary Min. 24m
Mandatory Min. 10m
 - Building Heights:**
Discretionary Height 40m



12. Built Form and Setbacks and Development Plan Staging - QVM Precinct Parcel B Development Plan April 2021 by BatesSmart Pty Ltd

Table 1 to Schedule 11 to Development Plan

Built form element	Mandatory requirement	Discretionary requirement	Built Form Outcomes
Podium Height	20 metres Podiums fronting Therry Street and Queen Street north of laneway CL1184.	10 metres Podiums fronting Therry Street and Queen Street north of laneway CL1184. Podiums fronting Queen Street south of laneway	All building podiums should: <ul style="list-style-type: none"> • Be oriented to complement the street system and constructed to the street edge. • Be of a scale that provides an appropriate level of street enclosure having regard to

	<p>Podiums fronting Queen Street south of laneway CL1184.</p> <p>40 metres</p> <p>Podiums fronting Franklin Street south of the laneway CL1184.</p>	<p>CL1184.</p> <p>20 metres</p> <p>Podiums fronting Franklin Street south of the laneway CL1184.</p>	<p>the width of the street.</p> <ul style="list-style-type: none"> • Complement adjoining building podiums. • Include high quality treatments to side walls where visible above adjoining buildings. • Be of a height, siting and detailing that does not adversely affect the heritage significance of the Queen Victoria Market or any adjoining heritage building(s). • Be designed to internalise above ground car parking behind active uses such as dwellings or offices to ensure a visual relationship between occupants of upper floors and pedestrians to improve surveillance of the public realm. • Be able to mitigate wind impacts at street level in accordance with the wind amelioration design standards of this schedule
<p>Assessment</p>	<p><i>The discretionary requirements are sought to be varied and are supported.</i></p> <p>The proposed Development Plan nominates discretionary podium heights and does not exceed the mandatory maximum podium heights set out in the requirements of this table. The proposed Development Plan meets the following high level applicable built form outcomes:</p> <ul style="list-style-type: none"> • The building footprints have been oriented appropriately towards the streets and are constructed to the street edge. • The podium heights respond to the width of the street and laneway which will ensure an appropriate level of street enclosure. • The podium heights respond appropriately to the scale of the surrounding existing and emerging built form (with the exception of the proposed 40 metre podium for Stage 1 (land to the north of laneway CL1184)). • Will provide reasonable amenity outcomes for future occupants of both stages. 		
<p>Tower setbacks</p>	<p>5 metres</p> <p>Parcel B (fronting Franklin Street)</p> <p>Mandatory minimum tower setback from side boundaries and rear boundaries (or from the centre line of</p>	<p>10 metres</p> <p>Discretionary minimum tower setbacks from front of podium.</p>	<p>Towers should be designed and spaced to:</p> <ul style="list-style-type: none"> • Equitably distribute access to an outlook, sunlight between towers and to ensure adequate sun penetration at street level. • Ensure habitable room

	<p>an adjoining lane*).</p> <p>0 metres</p> <p>On Parcel B only mandatory minimum tower setback from side boundaries and rear boundaries (or from the centre line of an adjoining lane*) on buildings up to 40 metres in height, where the applicant can demonstrate to the satisfaction of the responsible authority that the reduction will not cause an unreasonable impact on the future development potential or amenity of adjoining sites.</p> <p>The Development Plan nominates the heights of the towers at 67 metres and 50 metres therefore a 0 setback cannot be sought.</p> <p>* lane means a road reserve of a public highway 9 metres or less wide.</p>		<p>windows do not directly face one another and that consideration has been given to the development potential of adjoining lots. Ensure sunlight, good daylight and privacy and an outlook from habitable rooms for both existing and proposed development can be provided.</p> <ul style="list-style-type: none"> • Encourage the reasonable sharing of access to daylight and an outlook, and the mitigation of wind effects. • Ensure towers do not appear as a continuous wall at street level.
<p>Assessment</p>	<p><i>The discretionary requirements are sought to be varied and are supported.</i></p> <p>The proposed Development Plan nominates the mandatory minimum tower setback of 5 metres fronting Franklin Street, Queen Street and 5 metres from the centre of the CL1184 for Stage 1 and Stage 2. Setbacks vary from 5 metres to 10 metres from the northern title boundary adjoining Munro Site.</p> <p>The nominated tower setbacks comply with the minimum tower setbacks set in DPO11.</p> <p>The proposed tower setbacks coupled with the varying building heights allows for equitably distributed access to outlook, sunlight between towers and ensures acceptable sun penetration at street level.</p> <p>The proposed tower setbacks also ensure the towers do not appear as a continuous wall at street level.</p>		
<p>Tower separation</p>	<p>10 metres</p> <p>Mandatory minimum tower separation within a site and from</p>	<p>24 metres</p> <p>Discretionary minimum tower separation within a site and from</p>	<p>Towers should be designed and spaced to:</p> <ul style="list-style-type: none"> • Equitably distribute access to an outlook, sunlight between towers and to ensure

	existing or approved towers on adjoining sites.	existing or approved towers on adjoining sites.	adequate sun penetration at street level. <ul style="list-style-type: none"> • Ensure habitable room windows do not directly face one another and that consideration has been given to the development potential of adjoining lots. • Ensure sunlight, good daylight and privacy and an outlook from habitable rooms for both existing and proposed development can be provided. • Encourage the reasonable sharing of access to daylight and an outlook, and the mitigation of wind effects. • Ensure towers do not appear as a continuous wall at street level.
Assessment	<p><i>The discretionary requirements are sought to be varied and are supported.</i></p> <p>The proposed Development Plan nominates towers on both Stage 1 and Stage 2 of Parcel B assuming a consolidated development outcome.</p> <p>The proposed Development Plan provides minimum 5 metres setbacks from side and rear boundaries (or to the centreline of a lane) where building height is above 40 metres as required under DPO11. This arrangement results in compliance with the mandatory minimum tower separation of 10 metres.</p>		
Building heights and Floor Area Ratios	No mandatory building heights	<p>40 metres - Discretionary building heights</p> <p>New development should not cast a shadow across the Flagstaff Gardens or the proposed public open space between 11am and 2pm on 22 June, unless the Responsible Authority considers the overshadowing will not significantly prejudice the amenity of the open space.</p> <p>**Any application to exceed the discretionary heights must be supported by 3D modelling and an assessment of the visual impact on the proposed public open space shown on Figure 1 to this schedule, Flagstaff Gardens and on the public realm.</p>	Ensure that development provides a moderating transition to the proposed public open space and the future visitor centre.
Assessment	<p><i>The discretionary requirement is sought to be varied and is supported</i></p> <p>The heights nominated in the proposed Development Plan being a maximum of 67 metres for Stage 1 and a maximum of 50 metres for Stage 2 provide a</p>		

	<p>moderating transition to the proposed public open space and the future visitor centre.</p> <p>The building envelopes do not cast a shadow across the Flagstaff Gardens or the proposed public open space between 11am and 2pm on 22 June. Overshadowing will be limited to mostly private rooftops and road space which is an acceptable outcome.</p>
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8.5 DPO11 Staging Plan

Clause 3.0 of DPO11 requires a staging plan with indicative detail on the proposed order in which development will proceed, and how interfaces with adjoining land will be treated between stages.

The proposed Staging Plan is supported.

The proposed Staging Plan divides Parcel B into two stages bisected by Council Lane CL1184. Stage 1 is located on the northern portion of Parcel B and fronts Queen Street and Council Lane CL1184. Stage 2 is located on the southern portion of Parcel B and fronts Franklin Street, Queen Street and Council Lane CL1184. Neither stage is 'land locked' or reliant on the other stage for demolition works or construction works, therefore no interfaces with adjoining land are required to be treated.

8.6 DPO11 Heritage Impact Statement and the significance of the Queen Victoria Market being preserved

Clause 3.0 of DPO11 requires a Heritage Impact Statement which:

Demonstrates how the significance of the Queen Victoria Market will be preserved

Although the Site is located within the DPO11, the Site is not located within or immediately abutting the Queen Victoria Market itself. The Queen Victoria Market is located north west of the Site. The Munro Site at 93 – 151 Therry Street (also known as 456 Queen Street) and Queen Street are located between the Site and the Queen Victoria Market.

The application includes a Heritage Impact Statement (HIS) prepared by Bryce Rayworth dated May 2020. The HIS provides an analysis for each heritage building contained on the Site and makes recommendations with respect to retention, demolition and conservation works to the buildings. The Site is within Heritage Overlay, Schedule 7 – Queen Victoria Market Precinct (HO7) where a permit is required for the works recommended in the HIS. The recommended works in the HIS require a full assessment against the heritage requirements of the Melbourne Planning Scheme and should be considered at the planning application stage not through the approval of the Development Plan.

It is therefore recommended the HIS be amended to provide only a contextual response which *Demonstrates how the significance of the Queen Victoria Market will be preserved*.

Even though a revised HIS is required, it is considered the proposed Development Plan will not have any adverse impact on the significance of the Queen Victoria Market.

9 RECOMMENDATION

DELWP be advised the Melbourne City Council supports the proposed Development Plan, subject to the following recommendation:

1. Amend the Heritage Impact Statement (HIS) prepared by Bryce Rayworth dated May 2020 to provide only a contextual response which *Demonstrates how the significance of the Queen Victoria Market will be preserved.*