

## Report to the Future Melbourne (Planning) Committee

Agenda item 6.5

### Melbourne Planning Scheme Amendment C245 Queen Victoria Market Precinct Renewal

8 March 2016

**Presenter:** Ian Hicks, Acting Manager Urban Strategy

#### Purpose and background

1. The purpose of this report is to present the outcomes of the public exhibition for Melbourne Planning Scheme Amendment C245 Queen Victoria Market (QVM) Precinct Renewal, and to recommend the Future Melbourne Committee (FMC) request that the Minister for Planning appoint a panel to consider Amendment C245 and the submissions.
2. Amendment C245 affects land bounded by Victoria Street, Therry Street, Elizabeth Street, A'Beckett Street, William Street and Peel Street. The Amendment proposes to:
  - 2.1 Rezone the majority of the QVM land and Queen Street extension to Public Use Zone (PUZ7) and the QVM car park to Public Park and Recreation Zone (PPRZ).
  - 2.2 Apply a new Schedule to the Development Plan Overlay (DPO11) to apply tighter controls to the area which interfaces with the QVM, through the introduction of design requirements for the development of land adjacent to the QVM, including Council owned land.
  - 2.3 Delete existing Schedule 14 to the Design and Development Overlay (DDO14) from the QVM and land to which DPO11 applies.
  - 2.4 Introduce revised built form controls for new development over the remainder of the area covered by the existing DDO14.
  - 2.5 Amend the existing clause 22.02 Sunlight to Public Spaces to include a provision that development should not overshadow Flagstaff Gardens between 11am and 2pm on 21 June.
3. On 12 May 2015, the FMC resolved to seek authorisation from the Minister for Planning to exhibit Amendment C245 and authorisation was granted on 6 September 2015. Amendment C245 was placed on exhibition from 29 October to 4 December 2015. One hundred and fifty six submissions were received. A summary of all submissions is in Attachment 2. The City of Melbourne's (CoM) management response is in Attachment 3.

#### Key issues

4. The key issues raised in the submissions include: controls on development being too restrictive or not sufficiently restrictive; the Munro site; amenity concerns; overshadowing of the new public open space by the proposed visitor centre; car parking; traffic and protection of QVM's heritage. Following consideration of the submissions by officers, no changes to Amendment C245 are recommended at this stage.
5. Noting Council's various interests in this matter as Planning Authority and landholder, in accordance with the planning scheme amendment process, it is proposed that Council request that the Minister for Planning appoint an independent planning panel to consider both the amendment as it was exhibited without change and all submissions as received. Council's final decision on the Amendment will then be informed by the recommendations of the independent Panel.

#### Recommendation from management

6. That the future Melbourne Committee resolves to:
  - 6.1. note management's assessment of the submissions as set out in Attachments 2 and 3
  - 6.2. request the Minister for Planning appoint an Independent Panel to consider the submissions to Melbourne Planning Scheme Amendment C245
  - 6.3. note that the form of the Amendment to be presented to the Independent Panel will be in accordance with Attachment 4.

#### Attachments:

1. Supporting Attachment (page 2 of 144)
2. Summary of submissions (page 3 of 144)
3. Response to submissions (page 89 of 144)
4. Amendment documents (page 121 of 144)

**Supporting Attachment**

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**Legal**

1. Division 1 and part 3 of the *Planning and Environment Act 1987* (Act) deal with the planning scheme amendment, setting out provisions for the exhibition and notifications of the proposed planning scheme amendment and consideration of submissions. Section 23(1) of the Act provides that:  
*After considering a submission which requests a change to the amendment, the planning authority must:*
  - (a) *change the amendment in the manner requested; or*
  - (b) *refer the submission to a panel appointed under Part 8; or*
  - (c) *abandon the amendment or part of the amendment.*
2. The recommendation made in the report is consistent with the Act.
3. The Minister for Planning approved Amendment C262 to the Melbourne Planning Scheme on 4 September 2015, which introduced, on an interim basis, mandatory and discretionary built form controls over the Central City and Southbank (excluding the area covered by Amendment C245). It is anticipated that a further planning scheme amendment will be exhibited by the Minister for Planning at the end of March 2016 to replace the interim controls introduced by Amendment C262. DDO14 may need to be revisited following exhibition of this further planning scheme amendment.

**Finance**

4. The costs associated with the recommendation to progress to an Independent Panel has been provided for in the City of Melbourne 2015-16 operating budget.

**Conflict of interest**

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

**Stakeholder consultation**

6. The Amendment was exhibited in accordance with the Act. The Amendment was placed on exhibition between 29 October 2015 and 4 December 2015.
7. One hundred and fifty six submissions were received with 94 based on a proforma letter.
8. Public notices were placed in The Age, the Herald Sun and Australian Financial Review (26 October 2015) the Melbourne Leader (28 October 2015) and Government Gazette (29 October 2015).
9. The Amendment and supporting information was available at the City of Melbourne counter in Council House 2 and on the City of Melbourne website through Participate Melbourne and on the DELWP website.
10. A copy of the statutory notice, as well as a letter and brochure outlining the key proposal, was sent to affected land owners and occupiers. Information was also sent to a range of stakeholders, authorities, Aboriginal groups, resident associations and prescribed Ministers. Two public information sessions were held during the exhibition of the amendment in November 2015. These sessions were held at the Multicultural Hub opposite the QVM with around 30 people attending each session.
11. All submissions received in response to the exhibition of the Amendment will be provided to the Panel. Submitters will also have the opportunity to address the panel.

**Relation to Council policy**

12. The Amendment is consistent with the Queen Victoria Master Plan, the City North Structure Plan and the Municipal Strategic Statement.

**Environmental sustainability**

13. The Queen Victoria Market Precinct Renewal Draft Master Plan sets out a comprehensive agenda for incorporating environmental sustainability into the renewal.

Planning Scheme Amendment C245 – Queen Victoria Market Precinct Renewal

## Summary of Submission Received from Exhibition

### Table of Contents

1. David Tweed .....	3
2. Nicholas Dow .....	4
3. Serge Roujnikov .....	5
4. Richard Webb .....	6
5. Frances Separovic .....	7
6. Zheng Yao Jia .....	8
7. Janet Doyle .....	9
8. Tony Morton .....	10
9. Barry and Susan Ziebell .....	13
10. Meng Miao .....	14
11. Guosen He .....	15
12. James Henry .....	16
13. Mary Lou Howie .....	17
14. Elizabeth Grgacic .....	18
15. Mick Brancatisano .....	19
16. Sarah Butterfield .....	20
17. Anna Epstein .....	21
18. Kim Yoon Thong .....	22
19. Margot Burrows .....	23
20. Andrew Wong .....	24
21. Sarah Wong .....	25
22. Boo Radly .....	26
23. Katherine Greening and Ralph Domino .....	27
24. Jillian Bamforth .....	29

25. Melody Powell .....	30
26. Emma Demaine .....	33
27. David Legge & Bona Seo.....	34
28. Ray Culvenor .....	36
29. Renato Ferreira .....	37
30. Mark Chicoine .....	38
31. Paul Milo .....	39
32. Ronaldo Lubong & Rowena Angayon.....	41
33. Nelson Estrella .....	42
34. Bruce Echberg .....	43
35. Phil Rounsevell .....	45
36. Louis Christou .....	46
37. Tom Carson .....	47
38. Soma Pandji.....	49
39. Harley Anstee.....	51
40. Richard Stevenson.....	52
41. Karin M Penttila.....	55
42. Cheryl McKinna.....	56
43. Peter Pierce .....	58
44. Kim Yoon.....	59
45. Catherina Toh .....	60
46. Russell Mooney.....	62
47. Andrew Hallsworth .....	63
48. Craig Lynch .....	65
49. Hamish McNeill-Young.....	67
50. Alan and Sybil Langley-Jones.....	68
51. Friends of the Queen Victoria Market .....	69
52. Urbis on behalf of Burbank Group of Companies .....	71

53. Urbis on behalf of MIT Australia Pty Ltd .....	72
54. Urbis on behalf of unnamed proponent.....	73
55. Jenny Pyke.....	74
56. Bob Evans and Marisa Wilkins .....	75
57. National Trust of Australia and Melbourne Heritage Action.....	77
58. Althea Thomas .....	79
59. Eva and Pierre Lui.....	80
60. Jerone Lui .....	81
61 - 152 & 156. Various .....	82
153. The University of Melbourne .....	83
154. Peter Brohier .....	84
155. EPA .....	85

<b>Submitter</b>	1. <b>David Tweed Managing Director National Exchange Pty Ltd</b>
<b>Subject Land</b>	432-438 Queen Street, Melbourne
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Restrictive development potential and Council's interest</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. DPO11 regulates Council assets and six other parcels of land, where the prospective development potential is locked into a height between 10-20 metres. This restriction is intellectually lazy as it does not consider the detriment to the six properties it does not own.</li> <li>2. The submitters states that it is Council's intention to build a 20 metre high building abutting proposed public park and recreation zone (blocking owner's view through the car park), however he would not be able to develop his site opposite above this.</li> <li>3.</li> <li>4. DPO11 would make the development of a 10-12 level mid/low range hotel of approximately 100 rooms impossible.</li> <li>5. Submitter suggests that the only restriction would be the limiting of shadowing over the proposed public open space and Flagstaff Gardens and allow any proposals to be dealt with on their merits. This would allow a qualitative solution but allow flexibility in any future development.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to key issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>2. Nicholas Dow Melbourne Bicycle User Group</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"><li>• Traffic</li></ul>
<b>Summary</b>	<ol style="list-style-type: none"><li>1. Submitter wishes to be informed as to how many traffic lanes are planned for the new Franklin Street. Submitter considers that it only needs to be one traffic lane in each direction to prevent cutting the market off from the CBD.</li><li>2. The remainder of Franklin Street and all of A'Beckett Street are future sites for "road diet" treatment to create linear parks and public open space but reducing traffic lanes.</li></ol>
<b>Management Response</b>	Noted, further detail of the road design of the new Franklin Street is currently being developed.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>3. Serge Roujnikov</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"><li>• Supports amendment</li></ul>
<b>Summary</b>	1. The submitter considers the amendment is a great idea and will make an already incredible area of the city even better for all.
<b>Management Response</b>	Noted, the submitter supports the amendment.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>4. Richard Webb</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"><li>• Public realm</li></ul>
<b>Summary</b>	1. Submitter suggests the widening of footpaths on A'Beckett Street to allow increased footpath dining and improve the surfaces.
<b>Management Response</b>	Noted, improving the public realm and pedestrian environment is a primary consideration of Amendment C245.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>5. Frances Separovic</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (height)</li> <li>• Heritage</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter is excited about the proposal to upgrade the Queen Victoria Market but is concerned about the removal of height restrictions surrounding the market.</li> <li>2. Submitter is concerned that the city is losing its 19<sup>th</sup> and 20<sup>th</sup> Century character and that the Queen Victoria Market is being besieged by high-rise development which detracts from the appeal of having an open area for recreation and enjoyment and cultural identity.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>6. Zheng Yao Jia</b>
<b>Subject Land</b>	228 A'Beckett Street (The Istana)
<b>Key Issue/s</b>	<ul style="list-style-type: none"><li>• Built form (height)</li><li>• Amenity (loss of view)</li></ul>
<b>Summary</b>	1. Submitter requests that a height restriction be included in DPO11. The submitter is concerned that a new building may be built which would block the views he currently enjoys.
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>7. Janet Doyle</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Visitor centre and public open space</li> <li>• Carparking</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The park should be a park without any buildings.</li> <li>2. Supports lanes.</li> <li>3. Building design should be high quality and the Council should consider genuine green space and setbacks, as well as apartments without car parking facilities as the area is very well serviced with public transport.</li> <li>4. Submitter praises the Council on the new underground station development, the support of green cars and encouragement of bike transport.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended.

<b>Submitter</b>	<b>8. Tony Morton President Public Transport Users Association</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Transport</li> <li>• Traffic</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The Public Transport Users Association has considered the potential transport implications of the major proposed redevelopment of the Queen Victoria Market.  <b>City of Melbourne approach to transport</b></li> <li>2. The City of Melbourne's Transport Strategy 2012: Planning for Future Growth includes the key direction to "support public transport, walking and cycling as the dominant modes of transport in inner Melbourne" and it seeks to "optimise the city's streets as 'high mobility streets' for the new generation of tram services" and to "develop a Road Network Operating Plan for the municipality that will enable future mobility growth to be serviced mainly through tram, bus, walking and cycling."  <b>Current motor vehicle use of the road network in proximity to the Queen Victoria Market</b></li> <li>3. The most recently released VicRoads traffic volume information for the period 2003 to 2013 shows that for major road segments in and around the Queen Victoria Market there has been an overall decline in motor vehicle traffic.</li> <li>4. This is comforting as it is reflective of efforts made so far to increase sustainable transport and is broadly sympathetic with the City of Melbourne's objectives for a much greater proportion of the passenger transport task to be shouldered by sustainable transport modes rather than private motor car.</li> <li>5. The major transport challenge for the City of Melbourne is that the city is expected to grow substantially and will be required to cater for increased numbers of daily visitors as well as local residents.</li> <li>6. The Queen Victoria Market alone constitutes a major transport destination with an estimated 40,000 visitors on busy days and 10 million visitors annually.  <b>"Spending up big at the market still means filling the boot"</b></li> <li>7. The PTU surmises that food retailing is expected to continue to comprise a significant proportion of a growing sales volume at Queen Victoria Market and that given its relatively bulky nature it may be thought to be more amenable to transport by motor vehicle.</li> <li>8. This view should be tempered by the recognised potential of wheeled luggage to substitute for private motor vehicle trips when used by market patrons  <b>Tram services</b></li> </ol>

9. The proposed relocation of the tram stop on Elizabeth Street from the intersection with Victoria Street to the south of Therry Street is especially problematic as it would make the tram stop more remote visitors to QVM. The quality of tram services available to market patrons is an issue.
10. Neither route 57 nor route 59 are yet serviced by low floor trams which are most amenable to the use of wheeled luggage or for individuals carrying larger loads of shopping. It is expected that the whole tram fleet will be low floor within fifteen years.
11. It would greatly assist in meeting the City of Melbourne's mode shift targets if low floor trams were introduced on trams servicing the Queen Victoria Market.
12. It is currently not possible to operate tram services on the east-west axis on Victoria Street and Victoria Parade because there is no track between Swanston Street and LaTrobe Street. Direct services along this corridor would be a major benefit for patrons of Queen Victoria Market. It would also be of significant benefit if these services were to extend in a westerly direction to North Melbourne railway station.

#### **Route bus services**

13. Route bus services have an important role to play in inner suburban Melbourne to complement tram and rail services. Currently seven route buses service the Queen Victoria Market, these services require turning access principally in Queen Street, Franklin Street, Peel Street and A'Beckett Street. This terminus capacity needs to be retained in the plans for the Queen Victoria Market with scope for further terminal expansion in the light of a likely increase in the number of services.

#### **Train services and Flagstaff Station**

14. Flagstaff station on the City Loop offers the closest rail access to Queen Victoria Market, except for weekends when the station is closed. Public Transport Victoria has recently advised that Flagstaff Station is to open on weekends later in 2015.

#### **The threat of additional motor traffic in precinct: the proposed Western Distributor**

15. Transurban has proposed to construct and operate a tolled six lane freeway to connect the West gate Freeway to CityLink via a tunnel and an elevated road way above Footscray Road.
16. The project would relieve pressure on the West Gate Bridge, improve truck access to the Port of Melbourne and reduce truck numbers in inner western suburbs. It is also proposed that there also be direct access into the CBD.
17. Transurban have not announced their preferred route or routes for entry into the CBD and what the net effect will be on traffic volumes on roads in the CBD.
18. PTUA suggests that if this project were to go ahead that it would induce significant extra traffic into the City of Melbourne, including in the Queen Victoria Market Precinct.

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**Summary of recommendations**

19. The relocation of the tram stop to south of Therry Street should not proceed. The tram stop should remain in its current location.
20. Planned provision for route bus services at Queen Victoria Market should not diminish the functionality of the current terminal facilities and street access for route bus services.
21. The City of Melbourne should strongly advocate to the Victorian Government for:
  - I. Low floor trams be introduced on all trams servicing QVM;
  - II. The provision of regular tram services on the Victoria Street/Victoria Parade corridor from North Melbourne station in the west to provide for extended east west services and to connect with existing northern and eastern suburban public transport services;
  - III. Flagstaff station to be open at all times;
  - IV. Necessary improvements in public transport services from western suburbs to access the CBD and inner northern suburbs.

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<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
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<b>Recommended Change/s</b>	No changes recommended
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<b>Submitter</b>	<b>9. Barry and Susan Ziebell</b>
<b>Subject Land</b>	1301/228 A'Beckett Street (The Istana)
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (height)</li> <li>• Transport</li> <li>• Traffic</li> <li>• Visitor centre and public open space</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter does not support a mandatory 40 metre height limit in DPO11 as it will compromise the public park area. The submitter is happy with a 20 metre height control.</li> <li>2. The submitter would like to see Flagstaff station open on weekends.</li> <li>3. The submitter is opposed to the new Franklin Street development as the traffic will impact on the peacefulness of the proposed open space.</li> <li>4. The submitter is opposed to the construction of a market administration building facing the proposed open space (suggests moving market administration to modified storage sheds) and is opposed to a 40 metre height limit in DDO14.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended



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<b>Submitter</b>	<b>10. Meng Miao</b>
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<b>Subject Land</b>	N/A
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<b>Key Issue/s</b>	<ul style="list-style-type: none"><li>• Heritage</li><li>• Built form (height and density)</li><li>• Car parking</li></ul>
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<b>Summary</b>	<ol style="list-style-type: none"><li>1. Submitter strongly disagrees with amendment as it will destroy the integrity of QVM.</li><li>2. Further development may impact on people visiting the market (car park overcrowding and fewer customers).</li></ol>
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<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
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<b>Recommended Change/s</b>	No changes recommended
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<b>Submitter</b>	<b>11. Guosen He</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>Heritage</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>The submitter would like to see the traditional heritage of the QVM retained with a large part of the old buildings be changed to (Asian) gourmet streets and no new infrastructure to be built.</li> <li>The submitter suggests as there are many Asian students living nearby they need quick fresh food like that of their own country. The submitter also suggests that a small part of the old buildings into various supermarkets for the purchasing of dry goods.</li> <li>By making these changes the QVM can attract more visitors and it would become a vivid and multicultural area and there will be activities all day.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

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**Submitter**      **12. James Henry**  
**General Manager Property Development and Asset Management**  
**Housing Choices Australia**

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**Subject Land**

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**Key Issue/s**

- Supports Amendment C245
- Affordable housing

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**Summary**

1. Submitter supports Amendment C245 in particular the provision proposed in Schedule 11 to the DPO which states that where dwellings are proposed on land owned or controlled by the City of Melbourne, consideration should be given to incorporating affordable housing.

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**Management Response**      Noted, the submitter supports the amendment.

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**Recommended Change/s**      No changes recommended

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<b>Submitter</b>	<b>13. Mary Lou Howie</b>
<b>Subject Land</b>	11 Hume Street, Kew (weekly customer)
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Carparking</li> <li>• Built form and density</li> <li>• Heritage</li> <li>• Council's interest</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Amendment has been devised as a land grab of publicly owned land by the Council.</li> <li>2. Removal of car park will impact market customers and visitors.</li> <li>3. It will change the market surrounds from low rise warehouses and shops to high rise apartments. Much of the heritage value of the market will be lost making future development of the market site more likely.</li> <li>4. Development of Council owned land around the market is driving the proposed market "renewal" rather than the reverse.</li> <li>5. Submitter has no faith in the motives for the changes. Donations from property developers to his election campaign funds have muddied the waters somewhat and the submitter is suspicious of the Council's drive for the changes proposed in the Amendment.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>14. Elizabeth Grgacic</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Impact on the viability of the QVM</li> <li>• Council's interest</li> <li>• Carparking</li> <li>• Built form (height)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter is opposed to the Amendment and would like to see building heights surrounding the QVM kept low rise to maintain the open, sunny and expansive feel of the precinct.</li> <li>2. Development of Council owned land around the market as a means of funding the market redevelopment allows developers to dictate the terms of the built form and nature of the development that takes place.</li> <li>3. Retail development must not adversely affect the viability of family run traders of the market. No agreement/partnerships with large retail companies (eg supermarkets) as a means of funding QVM renewal.</li> <li>4. The loss of current customer carparking to recreational development with no adequate provision for parking elsewhere will adversely affect the viability of the market.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>15. Mick Brancatisano</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (height)</li> <li>• Council's interest</li> <li>• Carparking</li> <li>• Heritage</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter is opposed to this Amendment because it has been devised as a land grab of publicly owned land by the Council under the guise of 'QVM redevelopment' to 'save the market'.</li> <li>2. Submitter is concerned with the loss of carparking and no viable replacement parking space allocated.</li> <li>3. It will change the market surrounds from low rise warehouses and shops to high rise apartments. Much of the heritage value of the market will be lost making future development of the market site more likely.</li> <li>4. The development of Council owned land around the market is driving the proposed market 'renewal' rather than the reverse.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>16. Sarah Butterfield</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (height)</li> <li>• Council's interest</li> <li>• Carparking</li> <li>• Heritage</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter is opposed to this Amendment because it has been devised as a land grab of publicly owned land by the Council under the guise of 'QVM redevelopment' to 'save the market'.</li> <li>2. Submitter is concerned with the loss of carparking and no viable replacement parking space allocated.</li> <li>3. It will change the market surrounds from low rise warehouses and shops to high rise apartments. Much of the heritage value of the market will be lost making future development of the market site more likely.</li> <li>4. The development of Council owned land around the market is driving the proposed market 'renewal' rather than the reverse.</li> <li>5. Submitter has no faith in the motives for the changes. Donations from property developers to his election campaign funds have muddied the waters somewhat and the submitter is suspicious of the Council's drive for the changes proposed in the Amendment.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>17. Anna Epstein</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (height)</li> <li>• Council's interest</li> <li>• Carparking</li> <li>• Heritage</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter is opposed to this Amendment because it has been devised as a land grab of publicly owned land by the Council under the guise of 'QVM redevelopment' to 'save the market'.</li> <li>2. Submitter is concerned with the loss of carparking and no viable replacement parking space allocated.</li> <li>3. It will change the market surrounds from low rise warehouses and shops to high rise apartments. Much of the heritage value of the market will be lost making future development of the market site more likely.</li> <li>4. The development of Council owned land around the market is driving the proposed market 'renewal' rather than the reverse.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended



<b>Submitter</b>	<b>18. Kim Yoon Thong</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (height and density)</li> <li>• Heritage</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Buildings along Therry/Queen Streets should not exceed 3 storeys as taller buildings will have the effect of breaking up QVM space and dwarf Mercat Cross Hotel.</li> <li>2. Height limits along Franklin Street south east of the QVM should remain at 30 metres to be consistent with heritage buildings like Discovery Hotel, Melbourne Terrace Apartments and Burbank House.</li> <li>3. Walking here should start to give a feeling of leaving a densely populated city behind in anticipation of the respite that QVM offers.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>19. Margot Burrows</b>
<b>Subject Land</b>	N/A (Residents of the affected area)
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Visitor centre and public open space</li> <li>• Traffic (realignment of Franklin Street)</li> <li>• Transport</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The proposed height of building limits where the proposed Visitor information centre will allow for a building of 20 metres along Queens Street side of the new park. Without careful design to modify the impact this building could become a 6-7 storey 'wall blocking visual and physical access to the new park.</li> <li>2. There are currently two rows of mature plane trees which would likely be removed to allow for this proposed building which would have formed an established treed entrance to the new park.</li> <li>3. Traffic management and re-alignment of Franklin Street. The submitter is concerned about an adverse effect on the residential liveability of Franklin Street resulting from the routing of additional traffic from Dudley Street along the proposed re-aligned Franklin Street to connect with Victoria Street, as well as ingress and egress from the proposed new car park in Therry Street . The submitter notes that this would be worse if the proposed Western Distributor goes ahead.</li> <li>4. The submitter is also concerned about the accumulation of stationary buses in Queen Street in the vicinity of the Visitor Information Centre, waiting for passengers, running diesel engines for prolonged periods, resulting in air and noise pollution.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>20. Andrew Wong</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>Built form (height and density)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter is appalled that the QVM precinct and surrounding area is not spared the onslaught of high rise buildings</li> <li>2. The submitter would like the low density nature of the QVM and surrounding area maintained and would not like the removal of the existing DDO 14 height restrictions (save for a multi storey carpark which is necessary).</li> <li>3. A densely built up and over populated area with high concentration of shops around QVM will make this part of the CBD a less liveable place.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>21. Sarah Wong</b>
<b>Subject Land</b>	N/A (lives near)
<b>Key Issue/s</b>	<ul style="list-style-type: none"><li>• Built form (height and density)</li></ul>
<b>Summary</b>	<ol style="list-style-type: none"><li>1. Submitter is concerned with the possible increase of height and density to cater for a population explosion. Not in favour of removing current height restrictions.</li><li>2. Let the QVM be an oasis in the midst of the high rise madness sprouting around it.</li><li>3. Instead of congregating people in one area Council should look to dispersing them to avoid over crowding (eg Docklands).</li></ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>22. Boo Radly</b>
<b>Subject Land</b>	
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (height)</li> <li>• Council's interest</li> <li>• Carparking</li> <li>• Heritage</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter is opposed to this Amendment because it has been devised as a land grab of publicly owned land by the Council under the guise of 'QVM redevelopment' to 'save the market'.</li> <li>2. Submitter is concerned with the loss of carparking and no viable replacement parking space allocated.</li> <li>3. It will change the market surrounds from low rise warehouses and shops to high rise apartments. Much of the heritage value of the market will be lost making future development of the market site more likely.</li> <li>4. The development of Council owned land around the market is driving the proposed market 'renewal' rather than the reverse.</li> <li>5. Submitter has no faith in the motives for the changes. Donations from property developers to his election campaign funds have muddied the waters somewhat and the submitter is suspicious of the Council's drive for the changes proposed in the Amendment.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>23. Katherine Greening and Ralph Domino</b>
<b>Subject Land</b>	5/201 Franklin Street, Melbourne
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Heritage</li> <li>• Built form (height, density, setbacks and podiums)</li> <li>• Site consolidation</li> <li>• Amenity (overshadowing)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The submitter is pleased that the City of Melbourne is endeavouring to protect and revitalise the Queen Victoria Market Precinct however the submitter does not believe Amendment C245 will provide adequate protection for the preservation of the heritage qualities of the precinct.</li> <li>2. The submitter is concerned that there will still be potential for the Queen Victoria Market precinct being surrounded by and actually containing high rise towers that will destroy its heritage qualities.</li> <li>3. The submitter considers the stipulated heights along Therry and Queen Street frontages and the proposed new Queens Corner building should be no higher than a maximum of 20 metres in total height. This will guarantee that the important low scale built form that remains is preserved.</li> <li>4. The proposed setback and podium provisions are not satisfactory to counter the impact of a tower. Any towers in this area would only result in an intrusion of the intimate, low scale built form.</li> <li>5. Submitters acknowledges the other factors (ie heritage overlay) that might restrict the actual height of a potential tower, these would not necessarily address a future scenario such as a consolidation of sites. Nor would it deter developers generally in making application to deviate from the proposed controls.</li> <li>6. Concern that the parcels of land along Therry and Queen Street may be consolidated which may be of great interest to a prospective developer seeking increased height limits.</li> <li>7. Heights marked in green along the northern side of Franklin Street should be the same as the area marked in purple as it is an intrinsic part of the market. Setback and podium provisions for this area are also not satisfactory to counter the impact of a tower, nor are there sufficient controls to prevent site consolidation.</li> <li>8. The stipulated heights along the block bordered by Franklin, Queen, A'Beckett and Elizabeth Streets should be a maximum of 30m. This area is a transitional area and the intimate scale of Anthony Street should be preserved.</li> <li>9. Evidence provided by Meredith Gould at a 2013 VCAT hearing supports the</li> </ol>

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importance of preserving the low scale market surrounds.

10. A tall building opposite the Melbourne Terrace apartment building in Franklin Street would destroy its passive solar design qualities by blocking winter sun to the lower level apartments. Other residential apartments on the southern side of Franklin Street would also lose winter sun from the development of towers within the market precinct.
11. The QVM is largely intact, as is its original function as a working market and it is this uniqueness that has made it a major tourist attraction and the surrounding buildings in Therry, Queen and Franklin Street are a key part of this.
12. The submitter urges that stronger controls are put in place to preserve what still remains of the original built form.

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<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
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<b>Recommended Change/s</b>	No changes recommended
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<b>Submitter</b>	<b>24. Jillian Bamforth</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (height)</li> <li>• Council's interest</li> <li>• Carparking</li> <li>• Heritage</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter is opposed to this Amendment because it has been devised as a land grab of publicly owned land by the Council under the guise of 'QVM redevelopment' to 'save the market'.</li> <li>2. Submitter is concerned with the loss of carparking and no viable replacement parking space allocated.</li> <li>3. It will change the market surrounds from low rise warehouses and shops to high rise apartments. Much of the heritage value of the market will be lost making future development of the market site more likely.</li> <li>4. The development of Council owned land around the market is driving the proposed market 'renewal' rather than the reverse.</li> <li>5. Submitter has no faith in the motives for the changes. Donations from property developers to his election campaign funds have muddied the waters somewhat and the submitter is suspicious of the Council's drive for the changes proposed in the Amendment.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended



<b>Submitter</b>	<b>25. Melody Powell</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Amenity (overshadowing, access to sunlight, loss of views, wind)</li> <li>• Public realm (public realm improvements, housing diversity)</li> <li>• Carparking</li> <li>• Traffic</li> <li>• Transport</li> <li>• Impact on property values</li> </ul>
<b>Summary</b>	<p><b>Size of new apartments and housing diversity</b></p> <ol style="list-style-type: none"> <li>1. Internal amenity concerns, examples of recent developments that are as small as 4 squares and include bedrooms with no windows. A minimum apartment size must be required.</li> <li>2. Tiny apartments will become slums and the neighbourhood will deteriorate over time.</li> <li>3. Precinct should provide for a diverse range of housing, the planning scheme should mandate a dwelling mix.</li> </ol> <p><b>Privacy and access to daylight/sunlight</b></p> <ol style="list-style-type: none"> <li>4. Inadequate distances between buildings is an issue, privacy is diminished through the use of glass in high rise buildings. Controls should include a requirement to consider the location of windows or balconies.</li> <li>5. Controls need to be consistent with industry best practice including:       <ol style="list-style-type: none"> <li>I. City of Moreland's proposed Design Code for Higher Density Development which set out separation distances according to outlook and height;</li> <li>II. Built form controls in Southbank implemented through PSA C171</li> </ol> </li> </ol> <p><b>Overshadowing and wind tunnel effects in key streets</b></p> <ol style="list-style-type: none"> <li>6. Taller buildings will increase overshadowing and wind tunnel effects in key streets reducing amenity at street level. Creation of hostile pedestrian environment leads to less pedestrians and streets become less attractive and safe for residents.</li> <li>7. Overshadowing controls should be expanded to ensure that new buildings do not overshadow the streets in the precinct. Increased height will impact on the amenity of public spaces. A requirement that there is no further overshadowing of existing open space or common areas at the winter solstice should be included.</li> </ol>

**Loss of views from new development**

8. New development/increased height limits could result in the loss of views and outlook for many residents, some people may have purchased property because of a particular view which may be compromised and therefore lead to a reduction in property values.

**Need for improvements to public realm**

9. Nature strips need attention, the planting of trees will improve the appearance, help reduce noise impacts and create a more attractive public realm. Sufficient setbacks should be provided to allow the planting of large canopy trees.

**Impacts of parking**

10. High rise development will put significant pressure on minimal on street parking.
11. How will adequate supply of car parking for both residents and visitors be ensured? Development should provide adequate onsite parking for residents (a minimum of one space per apartment) and a minimum number of visitor car parks which cannot be reduced.
12. Current approach allowing reduced parking based on the belief that people will use public transport, bikes or 'green vehicles' is misguided, there will be a continued reliance on cars in the precinct.

**Impacts of increased traffic and inadequate public transport**

13. Increase in building heights will increase the number of occupants and therefore traffic. New development should also be limited to address the significant existing traffic congestion problems. Increased traffic makes the area less pedestrian friendly.
14. Need to prescribe minimum requirements for inclusion in a traffic report including the times, days and location at which traffic surveys are to be conducted. Traffic surveys ignore traffic generated by approved development or developments with permits pending and do not calculate projected traffic impacts when all the potential sites are developed.
15. Only a handful of tram routes serve the precinct, these services are already overcrowded. Major developments should not be approved until adequate public transport is provided. No development should be permitted until the location of the CBD North station and its traffic flow impacts are finalised to allow proper planning of the area.
16. Riding a bike is not safe for the cyclist or pedestrian and parts of the precinct are currently unpleasant for pedestrians.

**Inability of infrastructure to cope with increased densities**

17. The area need to provide for the increasing diverse population, particularly families. With an increase in the number of children there are no playgrounds, kindergartens etc to cater for them.
18. Drainage infrastructure is ageing and has not been upgraded. Parts of the

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precinct is prone to flooding.

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**Management Response** These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.

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**Recommended Change/s** No changes recommended

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<b>Submitter</b>	<b>26. Emma Demaine Planning Manager VicTrack</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"><li>• Supports Amendment</li></ul>
<b>Summary</b>	1. Victrack has no land holdings in this area but supports the intentions set out in the Amendment.
<b>Management Response</b>	Noted, the submitter supports the amendment.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>27. David Legge &amp; Bona Seo</b>
<b>Subject Land</b>	25/410 Queen Street, Melbourne
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Heritage</li> <li>• Built form (height, density, setbacks and podiums)</li> <li>• Site consolidation</li> <li>• Car parking</li> <li>• Traffic</li> <li>• Amenity (overshadowing)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The submitter is pleased that the City of Melbourne is endeavouring to protect and revitalise the Queen Victoria Market Precinct however the submitter does not believe Amendment C245 will provide adequate protection for the preservation of the heritage qualities of the precinct.</li> <li>2. The submitter is concerned that there will still be potential for the Queen Victoria Market precinct being surrounded by and actually containing high rise towers that will destroy its heritage qualities.</li> <li>3. The submitter considers the stipulated heights along Therry and Queen Street frontages and the proposed new Queens Corner building should be no higher than a maximum of 20 metres in total height. This will guarantee that the important low scale built form that remains is preserved.</li> <li>4. The proposed setback and podium provisions are not satisfactory to counter the impact of a tower. Any towers in this area would only result in an intrusion of the intimate, low scale built form.</li> <li>5. Submitters acknowledges the other factors (ie heritage overlay) that might restrict the actual height of a potential tower, these would not necessarily address a future scenario such a consolidation of sites. Nor would it deter developers generally in making application to deviate from the proposed controls.</li> <li>6. Concern that the parcels of land along Therry and Queen Street may be consolidated which may be of great interest to a prospective developer seeking increased height limits.</li> <li>7. Heights marked in green along the northern side of Franklin Street should be the same as the area marked in purple as it is an intrinsic part of the market. Setback and podium provisions for this area are also not satisfactory to counter the impact of a tower, nor are there sufficient controls to prevent site consolidation.</li> <li>8. The stipulated heights along the block bordered by Franklin, Queen, A'Beckett</li> </ol>

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and Elizabeth Streets should be a maximum of 30m. This area is a transitional area and the intimate scale of Anthony Street should be preserved.

9. Evidence provided by Meredith Gould at a 2013 VCAT hearing supports the importance of preserving the low scale market surrounds.
10. A tall building opposite the Melbourne Terrace apartment building in Franklin Street would destroy its passive solar design qualities by blocking winter sun to the lower level apartments. Other residential apartments on the southern side of Franklin Street would also lose winter sun from the development of towers within the market precinct.
11. The QVM is largely intact, as is its original function as a working market and it is this uniqueness that has made it a major tourist attraction and the surrounding buildings in Therry, Queen and Franklin Street are a key part of this.
12. The submitter urges that stronger controls are put in place to preserve what still remains of the original built form.
13. In relation to the 200m high apartment tower proposed for the Munro site, the submitter questions how people are going to access this site if it is supposed to be a pedestrian friendly area and it is understood that this site will include a large number of car parks.
14. The submitter questions why the site that has been divided off the existing car park has not been proposed as a new carpark to serve the needs of the public and the building itself.

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<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
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<b>Recommended Change/s</b>	No changes recommended
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<b>Submitter</b>	<b>28. Ray Culvenor</b>
<b>Subject Land</b>	6 Shakespeare Street, Nth Carlton
<b>Key Issue/s</b>	<ul style="list-style-type: none"><li>• Heritage</li></ul>
<b>Summary</b>	1. The City of Melbourne should take all steps to preserve the character of Victoria market for the enjoyment of its many patrons and tourist visitors. Melbourne has few real historic 'people' places and can ill afford to discard or irretrievably alter this one.
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>29. Renato Ferreira</b>
<b>Subject Land</b>	143 Franklin Street (Vosti House)
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (density, heights)</li> <li>• Amenity (overshadowing)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter is concerned with the recent approvals along Elizabeth Street and Franklin Street that take no consideration to current people living in the region, this amendment will exacerbate this situation.</li> <li>2. Documentation provided for this amendment does not show, in plain terms for people without specific knowledge how this will impact on people.</li> <li>3. The submitter outlines issues he has encountered living in his apartment including overshadowing from surrounding developments and rubbish being thrown from adjacent apartments.</li> <li>4. The submitter is concerned with the potential of any new development along Franklin Street causing more overshadowing.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended



<b>Submitter</b>	<b>30. Mark Chicoine Senior Land Use Planner Land Liveability &amp; Stewardship Melbourne Water</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Supports amendment</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The proposed amendment is an exciting step in guiding the future development of the iconic QVM and its surrounding precinct into the future.</li> <li>2. Melbourne Water is committed to enhancing the life and liveability of Melbourne, and as such, supports those aspects of the amendment which seek to introduce new public open spaces and pedestrian linkages, improved public amenity and the incorporation of stormwater harvesting and reuse on site, which all serve to enhance and support community liveability, sustainability and wellbeing.</li> </ol>
<b>Management Response</b>	Noted, the submitter supports the amendment.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>31. Paul Milo</b>
<b>Subject Land</b>	253 Franklin Street, Melbourne
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Heritage</li> <li>• Built form (density)</li> <li>• Public open space/Public realm</li> <li>• Amenity (loss of views, overlooking, access to sunlight)</li> <li>• Traffic</li> <li>• Car parking</li> <li>• Impact on property values</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter generally supports the amendment, however suggests some further enhancements.</li> <li>2. A once in a lifetime opportunity exists to create a legacy and demonstration of its future planning by not looking at another high rise building on the eastern part of the southern development site, but creating a small open space area with bike sheds and public amenities to provide the following benefits:             <ol style="list-style-type: none"> <li>a. Allow some of the heritage buildings to be more visible for people coming to the market from the CBD and train stations;</li> <li>b. To encourage and support people riding their bikes to the Market through establishing considerable bike storage;</li> <li>c. To provide public amenities for visitors to the area;</li> <li>d. The space will help the ever expanding city population of residents, workers and visitors more easily locate the market and connect to it providing a better customer experience and therefore increased patronage;</li> <li>e. The ability to see further into the CBD and more visibly see the heritage listed buildings that would not be dominated by other tall buildings;</li> <li>f. Avoiding a habitable tower being built will avoid one of the objectives of the project to avoid habitable rooms facing each other;</li> <li>g. Avoiding towers would allow additional light to penetrate to the roadway for pedestrians and to the public open space north of new Franklin Street.</li> </ol> </li> <li>3. If the proposed area is too large, it could be further confined to the east, with the remaining section being used for overflow car parking from QVM.</li> </ol>

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4. Future development needs to consider residents in the area as well as traders and visitors. The submitter is concerned that development of up to 40 metres will significantly reduce the property value for residents at 253 Franklin Street. The submitter is also concerned that future development will diminish on street carparking and north facing uninterrupted views.
  5. The submitter refers to the Melbourne CBD North Edge Traffic Study – April 2015 which states that the new Franklin lane should be a 10-12 metre wide street consistent with little streets in the central city. The submitter is concerned that this type of road pattern is a significant departure from the existing character of the area.
  6. The Council should maintain the existing building discretionary limit of 7 metres to help give more focus to the heritage listed buildings. The new Franklin lane should be 20 metres wide as a secondary street.

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<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
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<b>Recommended Change/s</b>	No changes recommended
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<b>Submitter</b>	<b>32. Ronaldo Lubong &amp; Rowena Angayon</b>
<b>Subject Land</b>	7/191 Franklin Street (Mondo Building)
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (height)</li> <li>• Heritage</li> <li>• Amenity (overshadowing)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter is concerned the amendment may allow tall buildings to be built close to QVM and this would significantly detract from the heritage of the area and cast shadows on adjacent buildings.</li> <li>2. Submitter suggests that the amendment include provisions that buildings within a significant distance of the market precinct be limited in height (5-6 storeys) and new buildings must not cast shadows on existing buildings.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>33. Nelson Estrella</b>
<b>Subject Land</b>	7/191 Franklin Street
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Heritage</li> <li>• Amenity (overshadowing)</li> <li>• Built form (height)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter supports the protection and revitalisation of the QVM precinct, but is concerned the heritage and amenity of the area is not adequately addressed.</li> <li>2. The submitter refers to a VCAT hearing in January 2015 for the construction of a nine level building at 446-450 Queen Street.</li> <li>3. Melbourne Terrace apartments, a five storey building on the corner of Franklin and Queen Streets are recognised as providing a good ‘transitional interface’.</li> <li>4. Submitter proposes that planning scheme should identify specific areas as being a ‘transitional interface’ between the market precinct and tall buildings in the CBD.</li> <li>5. Submitter suggests that the area covered by DPO 11 should be clearly identified as being in a ‘transitional interface’ as well as areas in Franklin, Queen and Anthony Streets.</li> <li>6. Buildings in these areas should not be higher than five storeys.</li> <li>7. Concern that any tall buildings on the north of Franklin Street and on the west of Queen Street would cast shadows on Melbourne Terrace apartments and the planning scheme amendment requires any development will not hinder adjacent buildings from becoming more energy efficient.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>34. Bruce Echberg Urban Initiatives</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Council's interests</li> <li>• Council's processes (lack of professional urban design analysis, consultation and information)</li> <li>• Built form (height, building envelopes, mandatory controls)</li> <li>• Zoning changes</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter objects to Amendment C245 and to the lack of professional urban design analysis and consultation during its development.</li> <li>2. The submitter supports the redevelopment of Queen Victoria Market as generally proposed in the master plan with minor reservations. Submitter is anxious about how the currently undisclosed detail of the plan including the street design and redevelopment of the Munro site might unfold.</li> <li>3. The submitter does not agree with the proposed changes to built form controls on Council owned and private land proposed under DPO11 and DDO14. This is particularly important as it applies to DPO11 where Council will effectively be both property developer and controlling authority. Development of these sites should not be left to the market to decide within the very loose guidelines proposed under this amendment.</li> <li>4. Changes to DDO14 are also very important to the amenity of the area and the setting of QVM.</li> <li>5. The submitter suggests the following changes: <ol style="list-style-type: none"> <li>I. Withdraw the capital city zone boundary to exclude the entire QVM precinct, rather than just the heritage component of the market site. The submitter states that the current location of the boundary was put in place by Council with no opportunity for community comment and that it has been to the detriment of the QVM precinct since it was relocated from LaTrobe Street to Victoria Street.</li> <li>II. Modify the DDO10 to show clear development guidelines for these Council controlled sites by providing mandatory building envelop controls and preferred activities level by level, for the redevelopment of these sites. They should not include any form of tower development.</li> <li>III. Retain, or refine existing height limit controls in the DDO14 area but make them mandatory to specifically exclude the possibility of residential towers which are out of character with the existing built form of the area and community views on how it should be developed.</li> </ol> </li> </ol>

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IV. Retain and modify the clause 22.10 to: *“Ensure the area bounded by A/Beckett ad Victoria Streets and Elizabeth/Peel Streets has a consistent lower scale, than the Hoddle grid and provides a transition in built form scale between Queen Victoria Market and the tower development within the Hoddle grid”.*

6. QVM precinct has a clear potential to be further developed as a vibrant high density mixed use residential precinct that provides a successful transition between the relatively uncontrolled over development within the adjoining areas of the northern CBD.
7. The community view of what form of development should occur in this precinct has been established at VCAT over a number of decisions on proposals for sites in Franklin and Queens Street.
8. DDO14 was introduced to provide certainty for developers and the community about the future form and character of this precinct. No credible justification is included in the amendment documentation for such a radical change of direction.
9. The submitter expresses his disappointment that there was no opportunity to present and discuss these views during the preparation of the amendment.
10. Amendment C245 is more than just a step in facilitation of the master plan because it will set the scene for the future character of the Market and the long term quality and liveability of the northern sector of the CBD.

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<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
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<b>Recommended Change/s</b>	No changes recommended
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<b>Submitter</b>	<b>35. Phil Rounsevell</b>
<b>Subject Land</b>	7/191 Franklin Street
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Heritage</li> <li>• Amenity (overshadowing)</li> <li>• Built form (height)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter supports the protection and revitalisation of the QVM precinct, but is concerned the heritage and amenity of the area is not adequately addressed.</li> <li>2. The submitter refers to a VCAT hearing in January 2015 for the construction of a nine level building at 446-450 Queen Street.</li> <li>3. Melbourne Terrace apartments, a five storey building on the corner of Franklin and Queen Streets is recognized as providing a good 'transitional interface'.</li> <li>4. Submitter proposes that planning scheme should identify specific areas as being a 'transitional interface' between the market precinct and tall buildings in the CBD.</li> <li>5. Submitter suggests that the area covered by DPO 11 should be clearly identified as being in a 'transitional interface' as well as areas in Franklin, Queen and Anthony Streets.</li> <li>6. Buildings in these areas should not be higher than five storeys.</li> <li>7. Concern that any tall buildings on the north of Franklin Street and on the west of Queen Street would cast shadows on Melbourne Terrace apartments and the planning scheme amendment should require that any development will not hinder adjacent buildings from becoming more energy efficient.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended



<b>Submitter</b>	<b>36. Louis Christou Christou Real Estate</b>
<b>Subject Land</b>	Represent owners of 422 Queen Street Melbourne
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Visitor centre and public open space</li> <li>• Council's interest</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The positioning of Building C will reduce northbound traffic flow through reducing access from 4 lanes to 2, having an impact on economic viability.</li> <li>2. The length, height and scale of the building are inappropriate against other buildings in the immediate vicinity. The height limit of 20m will create a severe wind tunnel effect resulting in unacceptable pedestrian/shopping environs.</li> <li>3. The building will create unacceptable shadowing over the buildings along the eastern side of Queen Street with a negative impact towards economic viability.</li> <li>4. The size of the proposed Visitors Centre in this location is completely out of size in comparison to other Visitors Centres within the municipality which cater for far greater pedestrian traffic.</li> <li>5. A much smaller scale building further set to the west should be able to satisfy an adequate visitor's centre facility. Other administration staff could be house in Munro or nearby.</li> <li>6. Given Council has the authority to influence appropriate development within and surrounding the QVM, it is questionable as to why it had been decided to purchase the Munro buildings and allocate revenue and resources in competition with the private sector.</li> <li>7. It is difficult to understand the logic behind constructing a building of this size and scale in a location which will have negative impacts on open space, heritage, pedestrian and traffic flow, overshadowing and wind tunnelling.</li> <li>8. A building of much smaller scale further north of Queen Street would be more appropriate.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>37. Tom Carson Director Abode Restoration</b>
<b>Subject Land</b>	2/143 Franklin Street (Vosti House)
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Council's interest</li> <li>• Council processes (lack of professional urban design analysis, consultation and information)</li> <li>• Zoning changes</li> <li>• Built form (height, building envelope, mandatory controls)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter is concerned by the nature, effect and speed of redevelopment that is currently happening to the north of the CBD and is disappointed with the lack of professional urban design analysis and consultation during the period when the amendment was developed.</li> <li>2. Generally supports the redevelopment of the QVM redevelopment as generally proposed in the masterplan with minor reservations. Submitter is concerned with how the currently undisclosed detail of the plan including the street design and redevelopment of the Munro site might unfold.</li> <li>3. Submitter does not agree with the proposed changes to the built form controls on Council owned and private land proposed through DDO14 and DPO 11, with a lack of analysis and justification for these changes. This is particularly important for the Council controlled land under DPO11 where Council will effectively be both property developer and controlling authority.</li> <li>4. The following changes are recommended: <ol style="list-style-type: none"> <li>I. Withdraw the capital city zone boundary to exclude the entire QVM precinct, rather than the heritage component of the market site. The location of the boundary was put in place by Council with no opportunity for community comment.</li> <li>II. Modify DPO11 to show clear development guidelines for these Council controlled sites by providing mandatory building envelope controls and preferred activities for the redevelopment of these sites. They should not include any form of tower development.</li> <li>III. Retain or refine existing height limits of DDO14 but make them mandatory to specifically exclude the possibility of residential towers which are out of character with the existing built form of the area and community views on how it should be developed.</li> <li>IV. Retain and modify the clause proposed to be deleted in 21.12: <i>“Ensure the area bounded by A’Beckett and Victoria Streets and Elizabeth/Peel Streets has a consistent lower scale, than the Hoddle Grid and</i></li> </ol> </li> </ol>

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*provides a transition in built form scale between QVM and the tower developments within the Hoddle Grid.”*

5. QVM precinct has a clear potential to be further developed as a vibrant high density mixed use residential precinct that provides a successful transition between the relatively uncontrolled over development within the adjoining areas of the northern CBD.
6. The reason Council introduced DDO14 was to help introduce certainty for developers and the community about the future form and character of the is precinct, there is no need or credible justification proposed in the amendment and its supporting documents for such a radical change of direction at this time.
7. The submitter expresses disappointment that there was no opportunity to present and discuss these views during the preparation of the amendment,
8. Amendment C245 is more than just a step in facilitation of the master plan because it will set the scene for the future character of the Market and the long term quality and liveability of the northern sector of the CBD.

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<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
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<b>Recommended Change/s</b>	No changes recommended
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<b>Submitter</b>	<b>38. Soma Pandji</b>
<b>Subject Land</b>	N/A (long standing resident, home and business owner in precinct)
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Council's interest</li> <li>• Council processes (lack of professional urban design analysis, consultation and information)</li> <li>• Zoning changes</li> <li>• Built form (height, building envelopes, mandatory controls)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter is concerned by the nature, effect and speed of redevelopment that is currently happening to the north of the CBD and is disappointed with the lack of professional urban design analysis and consultation during the period when the amendment was developed.</li> <li>2. Generally supports the redevelopment of the QVM redevelopment as generally proposed in the masterplan with minor reservations. Submitter is concerned with how the currently undisclosed detail of the plan including the street design and redevelopment of the Munro site might unfold.</li> <li>3. Submitter does not agree with the proposed changes to the built form controls on Council owned and private land proposed through DDO14 and DPO 11, with a lack of analysis and justification for these changes. This is particularly important for the Council controlled land under DPO11 where Council will effectively be both property developer and controlling authority.</li> <li>4. The following changes are recommended: <ol style="list-style-type: none"> <li>I. Withdraw the capital city zone boundary to exclude the entire QVM precinct, rather than the heritage component of the market site. The location of the boundary was put in place by Council with no opportunity for community comment.</li> <li>II. Modify DPO11 to show clear development guidelines for these Council controlled sites by providing mandatory building envelope controls and preferred activities for the redevelopment of these sites. They should not include any form of tower development.</li> <li>III. Retain or refine existing height limits of DDO14 but make them mandatory to specifically exclude the possibility of residential towers which are out of character with the existing built form of the area and community views on how it should be developed.</li> <li>IV. Retain and modify the clause proposed to be deleted in 21.12: <i>“Ensure the area bounded by A’Beckett and Victoria Streets and Elizabeth/Peel Streets has a consistent lower scale, than the Hoddle Grid and provides a transition in built form scale between QVM and the tower</i></li> </ol> </li> </ol>

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*developments within the Hoddle Grid.”*

5. QVM precinct has a clear potential to be further developed as a vibrant high density mixed use residential precinct that provides a successful transition between the relatively uncontrolled over development within the adjoining areas of the northern CBD.
6. The reason Council introduced DDO14 was to help introduce certainty for developers and the community about the future form and character of the is precinct, there is no need or credible justification proposed in the amendment and its supporting documents for such a radical change of direction at this time.
7. The submitter expresses disappointment that there was no opportunity to present and discuss these views during the preparation of the amendment,
8. Amendment C245 is more than just a step in facilitation of the master plan because it will set the scene for the future character of the Market and the long term quality and liveability of the northern sector of the CBD.

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<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
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<b>Recommended Change/s</b>	No changes recommended
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<b>Submitter</b>	<b>39. Harley Anstee</b>
<b>Subject Land</b>	Resident of Melbourne Terrace
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (height)</li> <li>• Traffic</li> <li>• Heritage</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The increase in the number of high-rise apartment towers being built and those which may be built will be an intrusion on the low scale and intimate character of this area.</li> <li>2. The character of this historic precinct is unique to the City of Melbourne and any major changes with high-rise apartment buildings will severely destroy this unique atmosphere.</li> <li>3. The parking and traffic flow issues is another concern. An increase to the traffic flow due to new buildings being erected and the proposed re-directed traffic flows will destroy the uniqueness and the market.</li> <li>4. The QVM is a rare and delightful area that should be preserved, protected and enhanced in every way.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>40. Richard Stevenson Associate, Hansen Partnership</b>
<b>Subject Land</b>	National Exchange P/L owners of land 432-438 Queen Street Melbourne & Tramere P/L, owners of land at 446-450 Queen Street
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Council processes (lack of strategic vision, not enough information)</li> <li>• Restrictive development potential and Council's interest</li> <li>• Visitor centre and public open space</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The subject sites fall within the area identified as Development Parcel B within DPO11.</li> <li>2. The submitter notes that one key aspiration of the proposed amendment is to seek to facilitate taller built form behind a podium to 'frame' the eastern and southern edges of the QVM and the new proposed :Public Open Space area. This aspiration is supported 'in principle', however cannot be achieved when the proposed controls are applied to smaller land holdings. <b>Lack of Strategic Justification</b></li> <li>3. The proposed built form controls are not supported by detailed built form modelling and analysis.</li> <li>4. In the Queen Victoria Market Precinct Renewal: Built Form Review &amp; Recommendations report, Section 5.2.3 Built for frontages adjoining QVM contains a one page general discussion of relevant issues and objectives, however does not contain further detailed built form modelling or analysis.</li> <li>5. it is questioned as to whether any other built form testing or modelling was undertaken to guide the proposed built form outcomes included in the proposed DPO11.</li> <li>6. In reference to the Mel Consultants P/L document, it is unclear as to how this material has specifically influenced the DPO11. Submitter does not disagree with the principles, but questions the strategic justification underpinning such technical controls. <b>Outcomes for the subject site</b></li> <li>7. The built form controls stipulated in DPO11 are 'coarse' and the submitter has included some modelling which demonstrates the controls proposed in DPO11. The modelling undertaken by the submitters demonstrates the provisions of DPO11 favours larger development parcels A&amp;D to maximise development potential.</li> <li>8. Where the same controls are applied to the development parcel B there is a 'neutralisation' of any potential for meaningful development above the podium as the required side and rear setbacks are overly onerous.</li> </ol>

9. The favouring of some development parcels to the detriment of others raises specific questions of equitable outcomes.
10. The submitter has put forward two alternate options for the development parcel B, these are summarised as: Option A – infill format which would facilitate a development of a 40 metre height/podium scale without a tower above. Option B – Podium and Tower Format which would facilitate a 20 metre podium scale with a rising tower above setback 10 metres from the frontage. The submitter has provided justification for these alternate options.

**Equitable development opportunities**

11. The practical application of the controls outlined in proposed DPO11 favour larger sites to the detriment of smaller land holdings.
12. The outcomes which would be facilitated by the proposed DPO11 raises specific questions of equitable development opportunities, given that the City of Melbourne own and control the sale and development of development parcels A,C and D. The outcomes sought through DPO11 unquestionably favour outcomes on land that Council has a specific interest in, but equally does not replicate the same potential for appropriate development on private land within development parcel B.
13. The submitter raises further questions relating to the equitable management of the preparation of the Development Plan as required by DPO11. The submitter suggests the exhibited amendment is silent on the following:
  - I. How the preparation of the required Development Plan will be managed?
  - II. Who will be responsible for preparing the Development Plan?
  - III. Can separate Development Plans be prepared for specific development parcels A to D, or whether a single Development Plan covering the entire Development Plan Overlay area must be developed?
  - IV. What are the financial obligations of land holders regarding the preparation of the Development Plan and the associated specialist assessment reports to underpin it?

**Future public realm outcomes**

14. The submitter raises the following concerns with future public realm outcomes as a result of the future development of Parcel C (Queen's Corner):
  - I. The site and scale of the new building is disproportionate to the scale of existing buildings on the QVM site.
  - II. The new building would block and 'sever' the currently available visual link and interface between development parcel b and the QVM site.
  - III. The new building would create a physical barrier between the subject land and the QVM site.
  - IV. The new building would be sited on the current Queen Street



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alignment which currently accommodates a valuable bus parking function and reduce traffic flow capacity.

- V. The new building would substantially narrow the width of the existing roadway and would take up valuable public realm space adjacent to the QVM, amounting to the inappropriate erosion of the existing public realm.
- VI. The new building would block and interrupt existing available views of the QVM when travelling north along Queen Street towards the Franklin Street intersection.
- VII. The new building has the potential to increase and exacerbate wind exposure impacts of which the proposed DPO are seeking to mitigate and avoid.

The submitter considers that the building should be re-sited further west, to specifically align with the existing western edge of the Queen Street alignment.

**Drafting of the amendment document**

At section 2, there is conflict and confusion between the use of mandatory and discretionary language.

At section 2, it is unclear whether the setback between towers is 10m or 24m.

The overlay should be amended to provide more direction on the process, obligations and responsibilities for landowners in the development of the Development Plan.

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<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
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<b>Recommended Change/s</b>	No changes recommended
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<b>Submitter</b>	<b>41. Karin M Penttila</b>
<b>Subject Land</b>	Apartment 3, 191 Franklin Street, Melbourne (Mondo)
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Traffic (realignment of Franklin Street)</li> <li>• Built form (height)</li> <li>• Zoning changes</li> <li>• Public realm</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. A faster and higher traffic load on Franklin Street will endanger tourists on a leisurely shopping trip. The market is also used by many for the weekly shop where there are often children and prams loading and unloading cars.</li> <li>2. Residential towers such as Fulton Lane are out of character with the QVM precinct. Many European cities maintain low rise in pedestrian areas and high rise on the outskirts.</li> <li>3. The change in zoning will make it more difficult to object to licensed venues. The submitter identifies that there is often food and drink rubbish in the area, graffiti and soiling around the subject land, garbage bins not emptied properly and fouling of the area is not cleaned efficiently. The submitter believes more entertainment in the area will increase this unsociable behaviour.</li> <li>4. The submitter suggests that more funds should be allocated to clean the streets.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>42. Cheryl McKinna</b>
<b>Subject Land</b>	14/410 Queen Street, Melbourne (Fortuna Building, Melbourne Terrace)
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Heritage</li> <li>• Site consolidation</li> <li>• Built form (height, setbacks and podiums)</li> <li>• Visitor centre and public open space</li> <li>• Amenity (access to sunlight)</li> <li>• Traffic</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The submitter is pleased that the City of Melbourne is endeavouring to protect and revitalise the Queen Victoria Market Precinct however the submitter does not believe Amendment C245 will provide adequate protection for the preservation of the heritage qualities of the precinct.</li> <li>2. The submitter is concerned that there will still be potential for the Queen Victoria Market precinct being surrounded by and actually containing high rise towers that will destroy its heritage qualities (eg 200m high apartment tower on Munro).</li> <li>3. The submitter considers the stipulated heights along Therry and Queen Street frontages and the proposed new Queens Corner building should be no higher than a maximum of 20 metres in total height. This will guarantee that the important low scale built form that remains is preserved.</li> <li>4. The proposed setback and podium provisions are not satisfactory to counter the impact of a tower. Any towers in this area would only result in an intrusion of the intimate, low scale built form.</li> <li>5. Submitters acknowledges the other factors (ie heritage overlay) that might restrict the actual height of a potential tower, these would not necessarily address a future scenario such a consolidation of sites. Nor would it deter developers generally in making application to deviate from the proposed controls.</li> <li>6. Concern that the parcels of land along Therry and Queen Street may be consolidated which may be of great interest to a prospective developer seeking increased height limits.</li> <li>7. Heights marked in green along the northern side of Franklin Street should be the same as the area marked in purple as it is an intrinsic part of the market. Setback and podium provisions for this area are also not satisfactory to counter the impact of a tower, nor are there sufficient controls to prevent site consolidation.</li> </ol>

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8. The stipulated heights along the block bordered by Franklin, Queen, A'Beckett and Elizabeth Streets should be a maximum of 30m. This area is a transitional area and the intimate scale of Anthony Street should be preserved.
  9. Evidence provided by Meredith Gould at a 2013 VCAT hearing supports the importance of preserving the low scale market surrounds.
  10. A tall building opposite the Melbourne Terrace apartment building in Franklin Street would destroy its passive solar design qualities by blocking winter sun to the lower level apartments. Other residential apartments on the southern side of Franklin Street would also lose winter sun from the development of towers in the precinct.
  11. The proposed Queen Square building will block the view into the proposed new park and require the removal of mature plane trees. It would also ruin the vista through these trees from Queen Street towards the old warehouses in the foreground with the market sheds in the background. If it proceeds this building should not exceed 10m.
  12. Additional traffic in Franklin Street would be counter-productive to the amenity of a narrower Franklin Street. Any additional traffic would also be counter-productive to the amenity of a narrower Franklin Street with a wider footpath the sidewalk cafes and dining precinct with central plantation being proposed. The submitter notes that the traffic management study is silent on the impact of vehicle ingress and egress for the proposed car park on the Munro site.
  13. Height controls should be mandatory rather than discretionary.
  14. The QVM is largely intact, as is its original function as a working market and it is this uniqueness that have made it a major tourist attraction and the surrounding buildings in Therry, Queen and Franklin Street are a key part of this.
  15. The submitter urges that stronger controls are put in place to preserve what still remains of the original built form.

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<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
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<b>Recommended Change/s</b>	No changes recommended
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<b>Submitter</b>	<b>43. Peter Pierce</b>
<b>Subject Land</b>	1/191 Franklin Street, Melbourne
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (height controls, density)</li> <li>• Visitor centre and public open space</li> <li>• Amenity (access to daylight)</li> <li>• Traffic (realignment of Franklin Street)</li> </ul>
<b>Summary</b>	<p>The submitter is opposed to the development of the QVM for the following reasons:</p> <ol style="list-style-type: none"> <li>1. It should remain a low rise precinct.</li> <li>2. The area has been subject to the amenity impacts of construction for years and many of these buildings remain unoccupied.</li> <li>3. The disruption to and increase in traffic due to the realignment of Franklin Street.</li> <li>4. Increased amenity issues from the creation of an entertainment space.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>44. Kim Yoon</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"><li>• Built form (height)</li></ul>
<b>Summary</b>	1. Removing the height limits will destroy the character of QVM. The submitter does not want the QVM to be hemmed in and choked by the city around it
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>45. Catherina Toh</b>
<b>Subject Land</b>	22/410 Queen Street, Melbourne
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Heritage</li> <li>• Site consolidation</li> <li>• Built form (height, setbacks and podiums)</li> <li>• Visitor centre and public open space</li> <li>• Amenity (access to sunlight)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The submitter is pleased that the City of Melbourne is endeavouring to protect and revitalise the Queen Victoria Market Precinct however the submitter does not believe Amendment C245 will provide adequate protection for the preservation of the heritage qualities of the precinct.</li> <li>2. The submitter is concerned that there will still be potential for the Queen Victoria Market precinct being surrounded by and actually containing high rise towers that will destroy its heritage qualities.</li> <li>3. The submitter considers the stipulated heights along Therry and Queen Street frontages and the proposed new Queens Corner building should be no higher than a maximum of 20 metres in total height. This will guarantee that the important low scale built form that remains is preserved.</li> <li>4. The proposed setback and podium provisions are not satisfactory to counter the impact of a tower. Any towers in this area would only result in an intrusion of the intimate, low scale built form.</li> <li>5. Submitters acknowledges the other factors (ie heritage overlay) that might restrict the actual height of a potential tower, these would not necessarily address a future scenario such a consolidation of sites. Nor would it deter developers generally in making application to deviate from the proposed controls.</li> <li>6. Concern that the parcels of land along Therry and Queen Street may be consolidated which may be of great interest to a prospective developer seeking increased height limits.</li> <li>7. Heights marked in green along the northern side of Franklin Street should be the same as the area marked in purple as it is an intrinsic part of the market. Setback and podium provisions for this area are also not satisfactory to counter the impact of a tower, nor are there sufficient controls to prevent site consolidation.</li> <li>8. The stipulated heights along the block bordered by Franklin, Queen, A'Beckett and Elizabeth Streets should be a maximum of 30m. This area is a transitional</li> </ol>

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area and the intimate scale of Anthony Street should be preserved.

9. A tall building opposite the Melbourne Terrace apartment building in Franklin Street would destroy its passive solar design qualities by blocking winter sun to the lower level apartments. Other residential apartments on the southern side of Franklin Street would also lose winter sun from the development of towers within the market precinct.
10. The QVM is largely intact, as is its original function as a working market and it is this uniqueness that has made it a major tourist attraction and the surrounding buildings in Therry, Queen and Franklin Street are a key part of this.
11. The submitter urges that stronger controls are put in place to preserve what still remains of the original built form.

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<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
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<b>Recommended Change/s</b>	No changes recommended
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<b>Submitter</b>	<b>46. Russell Mooney</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Public open space</li> <li>• Built form (height)</li> <li>• Heritage (constructing over the Old Melbourne Cemetery)</li> </ul>
<b>Summary</b>	<p>The submitter objects to the amendment for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The low-rise character of the areas will be threatened.</li> <li>2. The development proposals will diminish the area of open space potentially available for public use. The entire car park should be included as new “green space”, not just half.</li> <li>3. The new road through the Old Melbourne Cemetery dishonours the memory of our first citizens.</li> <li>4. This development is not in the interests of the majority of Victorians and only benefits an influential minority.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>47. Andrew Hallsworth</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Council's interest</li> <li>• Council processes (lack of professional urban design analysis, consultation and information)</li> <li>• Zoning changes</li> <li>• Built form (height, building envelopes, mandatory controls)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter is concerned by the nature, effect and speed of redevelopment that is currently happening to the north of the CBD and is disappointed with the lack of professional urban design analysis and consultation during the period when the amendment was developed.</li> <li>2. Generally supports the redevelopment of the QVM redevelopment as generally proposed in the masterplan with minor reservations. Submitter is concerned with how the currently undisclosed detail of the plan including the street design and redevelopment of the Munro site might unfold.</li> <li>3. Submitter does not agree with the proposed changes to the built form controls on Council owned and private land proposed through DDO14 and DPO 11, with a lack of analysis and justification for these changes. This is particularly important for the Council controlled land under DPO11 where Council will effectively be both property developer and controlling authority.</li> <li>4. The following changes are recommended: <ol style="list-style-type: none"> <li>I. Withdraw the capital city zone boundary to exclude the entire QVM precinct, rather than the heritage component of the market site. The location of the boundary was put in place by Council with no opportunity for community comment.</li> <li>II. Modify DPO11 to show clear development guidelines for these Council controlled sites by providing mandatory building envelope controls and preferred activities for the redevelopment of these sites. They should not include any form of tower development.</li> <li>III. Retain or refine existing height limits of DDO14 but make them mandatory to specifically exclude the possibility of residential towers which are out of character with the existing built form of the area and community views on how it should be developed.</li> <li>IV. Retain and modify the clause proposed to be deleted in 21.12: "Ensure the area bounded by A'Beckett and Victoria Streets and Elizabeth/Peel Streets has a consistent lower scale, than the Hoddle Grid and provides a transition in built form scale between QVM and the tower</li> </ol> </li> </ol>

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developments within the Hoddle Grid.”

5. QVM precinct has a clear potential to be further developed as a vibrant high density mixed use residential precinct that provides a successful transition between the relatively uncontrolled over development within the adjoining areas of the northern CBD.
6. The reason Council introduced DDO14 was to help introduce certainty for developers and the community about the future form and character of the is precinct, there is no need or credible justification proposed in the amendment and its supporting documents for such a radical change of direction at this time.
7. The submitter expresses disappointment that there was no opportunity to present and discuss these views during the preparation of the amendment,
8. Amendment C245 is more than just a step in facilitation of the master plan because it will set the scene for the future character of the Market and the long term quality and liveability of the northern sector of the CBD.

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<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
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<b>Recommended Change/s</b>	No changes recommended
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<b>Submitter</b>	<b>48. Craig Lynch</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Council's interest</li> <li>• Council processes (lack of professional urban design analysis, consultation and information)</li> <li>• Zoning changes</li> <li>• Built form (height, building envelopes, mandatory controls)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Submitter is concerned by the nature, effect and speed of redevelopment that is currently happening to the north of the CBD and is disappointed with the lack of professional urban design analysis and consultation during the period when the amendment was developed.</li> <li>2. Generally supports the redevelopment of the QVM redevelopment as generally proposed in the masterplan with minor reservations. Submitter is concerned with how the currently undisclosed detail of the plan including the street design and redevelopment of the Munro site might unfold.</li> <li>3. Submitter does not agree with the proposed changes to the built form controls on Council owned and private land proposed through DDO14 and DPO 11, with a lack of analysis and justification for these changes. This is particularly important for the Council controlled land under DPO11 where Council will effectively be both property developer and controlling authority.</li> <li>4. The following changes are recommended:             <ol style="list-style-type: none"> <li>I. Withdraw the capital city zone boundary to exclude the entire QVM precinct, rather than the heritage component of the market site. The location of the boundary was put in place by Council with no opportunity for community comment.</li> <li>II. Modify DPO11 to show clear development guidelines for these Council controlled sites by providing mandatory building envelope controls and preferred activities for the redevelopment of these sites. They should not include any form of tower development.</li> <li>III. Retain or refine existing height limits of DDO14 but make them mandatory to specifically exclude the possibility of residential towers which are out of character with the existing built form of the area and community views on how it should be developed.</li> <li>IV. Retain and modify the clause proposed to be deleted in 21.12: "Ensure the area bounded by A'Beckett and Viocoria Streets and Elizabeth/Peel Streets has a consistent lower scale, than the Hoddle Grid and provides a transition in built form scale between QVM and the</li> </ol> </li> </ol>

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tower developments within the Hoddle Grid.”

5. QVM precinct has a clear potential to be further developed as a vibrant high density mixed use residential precinct that provides a successful transition between the relatively uncontrolled over development within the adjoining areas of the northern CBD.
6. The reason Council introduced DDO14 was to help introduce certainty for developers and the community about the future form and character of the is precinct, there is no need or credible justification proposed in the amendment and its supporting documents for such a radical change of direction at this time.
7. The submitter expresses disappointment that there was no opportunity to present and discuss these views during the preparation of the amendment,
8. Amendment C245 is more than just a step in facilitation of the master plan because it will set the scene for the future character of the Market and the long term quality and liveability of the northern sector of the CBD.

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<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
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<b>Recommended Change/s</b>	No changes recommended
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<b>Submitter</b>	<b>49. Hamish McNeill-Young</b>
<b>Subject Land</b>	527/118 Franklin Street, Melbourne
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (height)</li> <li>• Amenity (loss of views)</li> <li>• Impact on property values</li> </ul>
<b>Summary</b>	1. The submitter strongly opposes any increase in the permitted maximum building height along Queen Street north of Franklin Street (Development Parcel B and C) as this would interfere with the view of Flagstaff Gardens which provides an enhanced value on the submitters residence.
<b>Management Response</b>	Noted. The proposed planning scheme controls are based on an urban design and heritage analysis that recognises the sensitive interfaces of the QVM and the need to carefully manage this interface.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>50. Alan and Sybil Langley-Jones</b>
<b>Subject Land</b>	5 Fenwick Street, Kew
<b>Key Issue/s</b>	<ul style="list-style-type: none"><li>• Built form (height)</li><li>• Heritage</li></ul>
<b>Summary</b>	<ol style="list-style-type: none"><li>1. Removing height and heritage restrictions will encourage highrise rather than a more appropriate low rise.</li><li>2. We should try to retain the openness of the market and as it is public land the people should decide</li></ol>
<b>Management Response</b>	Noted. The proposed planning scheme controls are based on an urban design and heritage analysis that recognises the sensitive interfaces of the QVM and the need to carefully manage this interface.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>51. Friends of the Queen Victoria Market</b>
<b>Subject Land</b>	
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (density)</li> <li>• Council processes (not enough information)</li> <li>• Council's interest</li> <li>• Car parking</li> <li>• Zoning changes</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The proposed changes will have the effect of increasing the overall density of development within the QVM and periphery.</li> <li>2. The amendment sets out little details about the form of new developments and only general statements about the redevelopment of the market proper.</li> <li>3. The amendment will give the Council a high degree of discretion in respect of the final form of the redevelopment with no further formal consultation with the community. Council should be required to seek further planning approval down the track as Council's priorities may change overtime</li> <li>4. There is a conflict in that the Council is the proponent for the market redevelopment as well as the amendment and is also the responsible authority for any future approvals. There should be an independent decision maker before each stage or quarter of the redevelopment is undertaken.</li> <li>5. The three principles for the redevelopment of the Market set out in the masterplan are not supported. The guiding principle should be fostering and maintaining the present market activities, followed by the role of the site as a community meeting space and entertainment space.</li> <li>6. The vague description of the redevelopment is problematic when it comes to assessing the adequacy of proposed carparking, as it is essential to know the nature of the redevelopment proposal and the demands it will place on the carpark and potential impacts more generally.</li> <li>7. The submitter believes it should be afforded a further formal opportunity to make a submission once a concrete proposal has been developed.</li> <li>8. Furthermore there is no certainty that the Council will abide by the principles set out in the masterplan it being only a reference document.</li> <li>9. The zoning should remain as CCZ as under the proposed PUZ any use can be characterised as as-of-right.</li> <li>10. The vaguely worded controls in the overlay will have the effect of permitting, as of right, increased overall density.</li> </ol>



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11. The proposed staging plan and parcel descriptions that are included within the State Agreement should be incorporated in the Amendment, to avoid discrepancies.

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**Management Response** These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.

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**Recommended Change/s** No changes recommended

<b>Submitter</b>	<b>52. Urbis on behalf of Burbank Group of Companies</b>
<b>Subject Land</b>	98 Franklin Street, Melbourne
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>Built form (mandatory requirements, Tower separation, setback and podium provisions)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>The submitter agrees that the current built form controls are inappropriate to accommodate expected population growth in the area and limit future renewal opportunities.</li> <li>Reviewing the built form controls will enable developments to better align with State policies to encourage growth in suitable areas.</li> </ol> <p><b><i>Mandatory requirements in DDO14</i></b></p> <ol style="list-style-type: none"> <li>The setbacks appear to come from clause 22.01 prior to the implementation of C262.</li> <li>Mandatory provisions do not facilitate a performance based system, can stifle opportunities and do not consider site ownership or previous approvals.</li> <li>Discretion in the setbacks in DDO14 would allow for greater innovation, improved design outcomes and architectural excellence. This would enable site responsive designed based on a considered urban context analysis.</li> <li>Mandatory side and rear setbacks do not allow for smaller sites to redevelop; do not provide consideration to existing approvals or buildings with boundary wall elements; and do not enable developer bonuses or public realm improvements i.e. through-links.</li> </ol> <p><b><i>Conflicting requirements of Table 1 and 2 in DDO14</i></b></p> <ol style="list-style-type: none"> <li>The tower separation and setback requirements in Table 1 simultaneously require minimum separations of 20 metres and 24 metres between towers. This could be avoided with overarching built form objectives and one table containing discretionary setback provisions.</li> <li>The mandatory street setback of 10 metres above the podium is contrary to other controls around the CBD and Clause 22.01 which has a 5 metre minimum street setback. There is no justification as to why this precinct warrants a stricter planning regime.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>53. Urbis on behalf of MIT Australia Pty Ltd</b>
<b>Subject Land</b>	386-412 William Street, Melbourne
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>Traffic</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>The subject site has recently obtained a planning permit for a multi-level development which includes 470 dwellings, 210 hotel rooms, 1053m<sup>2</sup> of retail and basement car parking accessed off Franklin Street which runs along the northern boundary of the site.</li> <li>Cardno Traffic Engineers believe this potential change of access will significantly impact the accessibility of the site (traffic assessment is attached to the submission).</li> <li>As vehicle access is crucial to the overall functionality of the development, it is suggested that two way traffic along Franklin Lane be considered.</li> <li>It is acknowledged that the submission is not directly in response to Amendment C245, but would like to advise Council that moving forward they would like to be involved in discussions around the redevelopment of the Franklin Street area.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See attachment ** for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>54. Urbis on behalf of unnamed proponent</b>
<b>Subject Land</b>	Munro site
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Planning scheme requirements applying to the Munro site</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The proponent has been shortlisted as a potential development partner for the Munro site.</li> <li>2. Any changes or refinements to the proposed planning controls will have implications for the redevelopment of the Munro site hence it is appropriate that the proponent become a party to the Amendment process.</li> <li>3. It will be important for the Amendment to support a planning framework that facilitates an exemplary redevelopment outcome and sets up an appropriately streamlined major development approval process in view of the overall RFP delivery timeframes.</li> <li>4. As design concepts are unresolved and the RFP process outcomes are not known, it is premature to make any specific submissions at this stage.</li> </ol>
<b>Management Response</b>	No response required
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>55. Jenny Pyke</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Council process</li> <li>• Built form (height controls)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. There is not enough detail on the proposed changes or certainty for the QVM traders.</li> <li>2. The urgency around securing the land at the rear of Franklin Street is creating urgency that is not conducive to considered planning.</li> <li>3. The Amendment allows the QVM to be overwhelmed by large and imposing towers. The simplicity of shopping in an open air market should be protected.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>56. Bob Evans and Marisa Wilkins</b>
<b>Subject Land</b>	Fortuna Building Melbourne Terrace, 13/410 Queen Street, Melbourne
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (height, setbacks)</li> <li>• Amenity (access to sunlight)</li> <li>• Council's interest</li> <li>• Heritage</li> <li>• Traffic (realignment of Franklin Street)</li> <li>• Zoning changes</li> </ul>
<b>Summary</b>	<p><b><i>Heritage and amenity impacts of allowable building heights</i></b></p> <ol style="list-style-type: none"> <li>1. The proposal seems to be taking existing inappropriate overdevelopment as a reason to abandon the existing transitional building heights from the market to the CBD.</li> <li>2. At a recent VCAT hearing it was argued by Council's heritage expert that while the buildings along that section of Queen Street had no heritage value, to preserve the low-scale heritage character of the QVM precinct relies on tall buildings to be set away a substantial distance.</li> <li>3. If it is Council's plan to build a 200m high tower on the Munro site as reported in the CBD News, it is an abrogation of responsible development.</li> <li>4. The maximum height along Therry and Queen Streets and Franklin Street should be 20 metres and the 10m setback will not address issues posed by towering developments.</li> <li>5. The high rise buildings could preclude solar panels for the Melbourne Terrace.</li> </ol> <p><b><i>Traffic management</i></b></p> <ol style="list-style-type: none"> <li>6. The submitter questions how and why Franklin Street would be used by motorists . Other questions not considered are: which streets or lanes will QVM shoppers use to enter and exit the newly built market car park? And how do those entry and exit routes co-exist with supposedly pedestrian-friendly promenades in Queen, Therry and Elizabeth Streets? Or with the increased traffic flow along Franklin Street?</li> <li>7. How will containers be transported from the sheds, across New Franklin Street and into the market stalls?</li> </ol> <p><b><i>Capital City Zone to Public Use Zone</i></b></p> <ol style="list-style-type: none"> <li>8. This change will leave no recourse to VCAT should we wish to oppose entertainment venues in the area</li> </ol>

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<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
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<b>Recommended Change/s</b>	No changes recommended
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<b>Submitter</b>	<b>57. National Trust of Australia and Melbourne Heritage Action</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Heritage</li> <li>• Built form ( height)</li> <li>• Council process (planning permit process)</li> <li>• Amenity (overshadowing)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The submitter is most concerned about the complete removal of height limits over the DDO14 area and lack of recognition of the surrounding heritage buildings. This could result in the sites adjacent to the market being developed with very tall building with small setback and heritage buildings facaded or demolished to allow for the towers.</li> <li>2. The original purpose of the control, to step down from the higher built form of the market should be retained.</li> <li>3. The submitter is concerned that DPO11 has the effect to exempt a planning permit application from notice and review if it's generally in accordance with an approved plan. The area covered by DPO11 should retain a low maximum height limit. The area facing Therry and Queen Street which currently has a height limit of 20m should have a maximum height of perhaps 30m (discretionary).</li> <li>4. In recognition of the low scale of the many graded buildings in this area, the podium height should be no more than 10m (discretionary), closer to existing 2-3 storey height of those buildings. Any taller buildings should be set back more than 10m, perhaps 15m, to better ensure a low scale feel to the streets abutting the market.</li> <li>5. At the south end of the market, where the current height limit is 7m, DPO11 would allow a long wall-like building, limited in height only by the Flagstaff Gardens overshadowing control, an outcome that would be unattractive, and completely dominate the historic market environs. Allowing such a building to cantilever over half of the 1930 sheds at that end would only compound the problematic nature of any possible development. A development maximum of 20m (discretionary) set back at least 6m from the south end of the market buildings, and limited to the triangular part of the site would be preferable. Further single storey market-related buildings on the remainder of the site under the 7m height limit would be acceptable.</li> <li>6. In regards to DDO14, the lack of a height limit would have its greatest effect on the recently approved heritage precinct along the eastern edge of Elizabeth Street (HO1125). This area should have a specific mandatory height limit at about the height of the heritage buildings, about 15m, similar to the limits in other HO precincts in Chinatown and Bourke Hill.</li> <li>7. It will affect the north side of Franklin Street between Queen and Elizabeth, a</li> </ol>



small area, but one with heritage buildings and two very evocative bluestone laneways. A firmer height limit, about 50m, and heritage controls for the laneways should be considered for this area.

8. There are 30 or more heritage buildings which are affected by the lifting of height controls in this amendment. In particular, those places covered by the lower sections of DDO14, which currently have a 20m height limit, will have no height limit under DPO11; only a requirement for a podium up to 30m with a 10m setback. This demonstrates the clear disconnect between heritage and height limits and will inevitably result in the facading or demolishing of heritage buildings, and very tall development behind, and not only on the two major parcels identified in the Master Plan.
9. The loss of height controls at the southern end of the site will allow development with unrestricted height over the sheds and the total erasure at the Franklin Street boundary of the full historical extent of the market site and former cemetery.
10. Meredith's Gould's *Heritage Assessment City North Structure Plan Area* (2011) indicates on page 41 that good heritage outcomes are dependent on the relationship between the heritage overlay and the operation of DDOs.
11. The C198 Panel, reviewing the proposal to delete the small island carpark site south of the market from HO7, was persuaded that the Heritage Overlay may be removed in the context that the existing DDO14 would remain; ensuring development will be consistent with the scale and built form of the Market.
12. A development proposal in 2011 on the corner of Queen and Therry Streets for 32m high building was refused by City of Melbourne and upheld on review by VCAT.
13. It is strongly recommended that some height limits are retained in the area of DPO11, the areas at the market's edge. We suggest a (discretionary) maximum of 30m for the area facing Therry and Queen Streets, and 20m for the area at the southern end of the market.
14. The effect of the DPO will be to allow development unconstrained beyond podium heights on key sites and it is believed that the DPO will set up the strategic planning justification for tower development on parcel D that will transform the existing low scale of the QVM.
15. The submitter supports the changes to clause 22.02 Sunlight to Public Spaces as it far stricter than the present guideline, however no guidance is provided as to what extent of overshadowing might be acceptable. The submitter prefers a 'must not' in place of the proposed 'should not'.

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<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
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<b>Recommended Change/s</b>	No changes recommended
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<b>Submitter</b>	<b>58. Althea Thomas</b>
<b>Subject Land</b>	26 Johnson Street, Northcote
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Restrictive development potential and Council's interest</li> <li>• Built form (height)</li> <li>• Car parking</li> <li>• Heritage</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Amendment has been devised as a land grab of publicly owned land by the Council.</li> <li>2. Removal of car park will impact market customers and visitors.</li> <li>3. It will change the market surrounds from low rise warehouses and shops to high rise apartments. Much of the heritage value of the market will be lost making future development of the market site more likely.</li> <li>4. Submitter has no faith in the motives for the changes. Donations from property developers to his election campaign funds have muddied the waters somewhat and the submitter is suspicious of the Council's drive for the changes proposed in the Amendment.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>59. Eva and Pierre Lui</b>
<b>Subject Land</b>	Therry Street
<b>Key Issue/s</b>	<ul style="list-style-type: none"><li>• Built form (height)</li></ul>
<b>Summary</b>	1. The submitter supports the rezoning for public use but disagrees with more high rise residential buildings in the area.
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>60. Jerone Lui</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Built form (density)</li> <li>• Public realm (services)</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. Allowing more high rise in the precinct will further crowd the city and cause disruption which is unfair to the existing users and stakeholders of the city.</li> <li>2. There are not enough facilities for the existing residents and it is evident that the authorities are not capable of handling new and rapid developments and do nothing to rectify existing negative impacts from overdevelopment i.e. promised car parking that is never delivered.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>61 - 152 &amp; 156. Various</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Council processes</li> <li>• Car parking</li> <li>• Zoning changes</li> <li>• Built form (density)</li> <li>• Council's interest</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The amendment sets out little details about the form of new developments and only general statements about the redevelopment of the market proper.</li> <li>2. The amendment will give the Council a high degree of discretion in respect of the final form of the redevelopment with no further formal consultation with the community. Council should be required to seek further planning approval down the track as Council's priorities may change overtime.</li> <li>3. There is a conflict in that the Council is the proponent for the market redevelopment as well as the amendment and is also the responsible authority for any future approvals. There should be an independent decision maker before each stage or quarter of the redevelopment is undertaken.</li> <li>4. The principles for redevelopment of the Market, set out in the Masterplan are supported however there is not sufficient detail to enable a reasonable assessment of what the form will be and therefore what will be its potential impacts.</li> <li>5. There is no certainty that Council will abide by the principles set out in the Masterplan over the life of the redevelopment as it will be a non-binding reference document.</li> <li>6. The zoning should remain as CCZ as under the proposed PUZ any use can be characterised as as-of-right.</li> <li>7. The changes to the overlay controls and local policy will have the effect of permitting, as-of-right, increased overall density of development provided the vaguely worded controls in the overlay are satisfied (which will be easy for the Council to do).</li> <li>8. The three principles for the redevelopment of the Market set out in the masterplan are not supported.</li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

<b>Submitter</b>	<b>153. The University of Melbourne</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Supports Amendment</li> </ul>
<b>Summary</b>	<ol style="list-style-type: none"> <li>1. The submitter supports the proposed Amendment as it will:             <ol style="list-style-type: none"> <li>I. Contribute to Melbourne’s liveability and reputation as a creative city;</li> <li>II. Co-locate office, retail and community services;</li> <li>III. Improve pedestrian connections to and within the QVM;</li> <li>IV. Accommodate for a range of transport modes;</li> <li>V. Protect the existing urban realm through improved shadowing controls;</li> <li>VI. Facilitate innovative infill redevelopment of a strategically located, underutilised site;</li> <li>VII. Remove an impermeable asphalt car park area and replace it with a new recreational and public open space;</li> <li>VIII. Contribute to improving the amenity and safety of the QVM; and</li> <li>IX. Facilitate economic use of the land while protecting the social, heritage; and environmental issues influencing the site.</li> </ol> </li> </ol>
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>154. Peter Brohier</b>
<b>Subject Land</b>	143 Kooyong Road, North Caulfield (trader)
<b>Key Issue/s</b>	<ul style="list-style-type: none"><li>• Council processes (lack of strategic vision)</li></ul>
<b>Summary</b>	1. There needs to be a greater vision of the QVM project before the Amendment can be justified.
<b>Management Response</b>	These issues were raised by other submitters. See Attachment 3 for management response to issues raised by submissions.
<b>Recommended Change/s</b>	No changes recommended

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<b>Submitter</b>	<b>155. EPA</b>
<b>Subject Land</b>	N/A
<b>Key Issue/s</b>	<ul style="list-style-type: none"> <li>• Supports Amendment</li> <li>• Environmental audits</li> </ul>
<b>Summary</b>	<p>The submitter is generally supportive but has the following comments:</p> <ol style="list-style-type: none"> <li>I. Where a public open space area and new buildings are proposed to the existing QVM carpark, Council is advised to consider an Environmental Site Assessment prepared by a qualified environmental professional to assess any potential contamination of the land.</li> <li>II. This will help identify whether an environmental audit is to be undertaken or not, as well as assist in any remediation of the land or management of construction.</li> </ol>
<b>Management Response</b>	Noted, the submitter supports the amendment.
<b>Recommended Change/s</b>	No changes recommended



**MELBOURNE PLANNING SCHEME AMENDMENT C245 – QUEEN VICTORIA MARKET  
PRECINCT RENEWAL**

**MANAGEMENT RESPONSE TO THE ISSUES RAISED IN SUBMISSION**

Contents:

1.	Restrictive development potential and Council's interest (including Council self-benefit from Amendment and development of Council land).....	2
2.	Built form and density (including removal of height restrictions, development of towers and increased density, podium heights, setbacks and mandatory controls).....	4
3.	Site consolidation.....	9
4.	Amenity (including overshadowing, access to sunlight and loss of views).....	10
5.	Zoning changes.....	13
6.	Visitor centre and public open space.....	15
7.	Car parking.....	17
8.	Traffic (including realignment of Franklin Street).....	19
9.	Transport.....	22
10.	Heritage.....	24
11.	Public realm (including public realm improvements, impact on viability of the QVM, housing diversity).....	27
12.	Impact on property values.....	29
13.	Council processes (including lack of consultation, lack of strategic vision, not enough information, planning permit process).....	30

## 1.Restrictive development potential and Council's interest

### Submitters on this issue

- 1: David Tweed (National Exchange Pty Ltd)
- 13: Mary Lou Howie
- 14: Elizabeth Grgacic
- 15: Mick Brancatisano
- 16: Sarah Butterfield
- 17: Anna Epstein
- 22: Boo Radly
- 24: Jillian Bamforth
- 34: Bruce Echberg (Urban Initiatives)
- 36: Louis Christou
- 37: Tom Carson (Director Abode Restoration)
- 38: Soma Pandji
- 40: Richard Stevenson (Hansen Partnership for National Exchange Pty Ltd 432-438 Queen Street) and Tranmere Pty Ltd (446-450 Queen Street))
- 47: Andrew Hallsworth
- 48: Craig Lynch
- 51: Friends of the Queen Victoria Market
- 56: Bob Evans and Marisa Wilkins
- 58: Althea Thomas
- 61 - 152 & 156: Various

### Summary of issues

Submitters are concerned that DPO11 favours larger development parcels (which are owned by Council), and therefore query whether there are equitable development opportunities in the precinct given development of smaller sites will be restricted by the controls (in particular, as a result of the application of the setback provisions). One submitter has put forward two alternate options for the development of Parcel B with supporting justification. A submission also raised concerns about the equitable management of the preparation of the development plan required by DPO11.

Submissions raised concerns about the development of Council owned land around QVM as a means of funding the redevelopment of QVM:

- allows developers/the market to dictate the terms of the built form and nature of development that takes place (especially as submitters thought the guidelines in the Amendment lack detail, and given the Council could have influenced development at this site without purchasing the site);
- is a concern as Council will effectively be both property developer and controlling authority;
- is driving the proposed market renewal rather than the reverse; and
- is a land grab of publicly owned land by the Council under the guise of "QVM redevelopment" to "save the market".

Submitters recommended that DPO11 is amended to show clear development guidelines for the Council controlled sites, by providing mandatory building envelope controls and preferred activities for each level, with no towers permitted. A 200m tower on the Munro site is considered an abrogation of sensible development by some submitters.

### **Management Response**

The new built form controls are focused on maintaining the valued character of the market. Controls were based on an urban design and heritage analysis that recognises the sensitive interfaces of the QVM and the need to carefully manage this interface.

The nominated street wall heights and setbacks were based on protection of the heritage values of the market and public realm amenity.

The Request for Proposal (RFP) tender phase for the redevelopment of the Munro site is a competitive process. RFP documentation provided to bidders included the land use and built form guidelines which outline general scope and parameters of development on the site. Probity protocols require the evaluation of RFP Bid Proposals to be conducted on a 'commercial in confidence' basis.

Any application for development of Council owned land will be processed under the provisions of the *Planning and Environment Act 1987* and exhibited in accordance with its requirements. For the Munro site, the developer will be contractually obliged to obtain all planning permits and other approvals required to develop the site. To the extent that the Council is the Responsible Authority considering planning permit applications submitted by the developer of the Munro site, Council will in no way be fettered from exercising its authority as the Responsible Authority.

The mandatory nature of the setbacks and tower separation provisions will ensure that any development in this area will protect the amenity and character of the precinct, add to its vibrancy and activity and assist in providing quality internal amenity for residents of new buildings.

### **Recommended change**

No change to Amendment C245 is recommended.

## 2. Built form and density

### Submitters on this issue

- 5: Frances Separovic
- 6: Zheng Yao Jia
- 9: Barry and Susan Ziebell
- 10: Meng Miao
- 13: Mary Lou Howie
- 14: Elizabeth Grgacic
- 15: Mick Brancatisano
- 16: Sarah Butterfield
- 17: Anna Epstein
- 18: Kim Yoon Thong
- 20: Andrew Wong
- 21: Sarah Wong
- 22: Boo Radly
- 23: Katherine Greening
- 24: Jillian Bamforth
- 27: David Legge & Bona Seo
- 29: Renato Ferreira
- 31: Paul Milo
- 32: Ronaldo Lubong & Rowena Angayon
- 33: Nelson Estrella
- 34: Bruce Echberg (Urban Initiatives)
- 35: Phil Rounsevell
- 37: Tom Carson (Director Abode Restoration)
- 38: Soma Pandji
- 39: Harley Anstee

- 41: Karin M Penttila
- 42: Cheryl McKinna
- 43: Peter Pierce
- 44: Kim Yoon
- 45: Catherina Toh
- 46: Russell Mooney
- 47: Andrew Hallsworth
- 48: Craig Lynch
- 49: Hamish McNeil-Young
- 50: Alan & Sybil Langley-Jones
- 51: Friends of the Queen Victoria Market
- 52: Urbis on behalf of Burbank Group of Companies
- 55: Jenny Pyke
- 56: Bob Evans and Marisa Wilkins
- 57: National Trust of Australia and Melbourne Heritage Action
- 58: Althea Thomas
- 59: Eva and Pierre Lui
- 60: Jerone Lui
- 61 – 152 &156: Various

### **Summary of issues**

#### Removal of height restrictions and impact of towers

Some submitters are concerned about the removal of height restrictions surrounding QVM, and the impact this will have on the heritage and low-scale and intimate character of QVM, as well as on existing views. Submitters are concerned that further development and increased density in the area may impact people visiting the market and living in the area, and will change the market surrounds from low rise warehouses and shops to high rise apartments making the area over-populated and less liveable. Submitters indicated that walking to the market should give a feeling of leaving a densely populated city behind, and that QVM should be an oasis in the midst of a high-rise city.

Some submissions therefore recommended the retention or refining of the existing height controls in the DDO14 area (suggesting that no credible justification is included in the Amendment for such a radical change of direction), subject to the height controls being mandatory.

On heritage grounds, one submission requested that the original purpose of the control (to step down from the higher built form to the market) be retained, and that a low maximum height limit be included in DPO11. Detailed height limit suggestions (both for overall heights and podiums and distinguishing between proposed mandatory and discretionary controls), as well as appropriate setbacks, were also included in the submission.

In a similar vein, some submitters proposed that DPO11 and some areas in Franklin, Queen and Anthony Streets, be identified as a "transitional Interface" between QVM and tall buildings in the CBD, with a 5 storey maximum height in these areas.

One submission indicated that the maximum height along Therry and Queen Streets and Franklin Street should be 20 metres (noting that the 10 metre setback will not address issues posed by towering developments).

Other submissions suggested different height limits for identified parts of the precinct.

The proposed setback and podium provisions are not considered by some to be satisfactory to counter the impact of towers in the area.

One submission proposed that the eastern section of the southern development sites be instead used as a small open space area with bike sheds and public amenities to provide a range of benefits, including to see further into the CBD and more visibly see the heritage listed buildings whilst still maintaining the border to QVM. If a building is built on this land, the submitter considered that the current discretionary height limit of 7 metres should be retained.

#### Podium heights

Some submissions did not support a mandatory 40 metre podium height limit in DPO11 as it is considered that this will compromise the public park area and threaten the preservation of the important low scale built form in the area (20 metre and 10 metre height controls supported). In particular it was suggested that the 40 metre maximum podium height in Franklin Street (east of Queen) should be reduced to a 20 metre maximum, as this area is an intrinsic part of the market.

One submission is opposed to a 40 metre height limit in DDO14. Another submitter is of the view that the heights along the block bordered by Franklin, Queen, A'Beckett and Elizabeth Streets should be a maximum of 30 metres (a transitional area and the intimate scale of Anthony Street should be preserved).

#### Mandatory controls

One submission indicated that height controls should be mandatory rather than discretionary.

Another submission in relation to DDO14 stated that mandatory provisions do not facilitate a performance based system (allowing greater innovation and site responsiveness), can stifle opportunities and do not consider site ownership or previous approvals. In particular, mandatory side and rear setbacks do not allow for smaller sites to redevelop, do not provide consideration to existing approvals or buildings with boundary wall elements; do not enable developer bonuses or public realm improvements (eg through-links).

#### Setbacks

Some submitters consider that the mandatory street setback of 10 metre above the podium is contrary to other controls in the CBD, and that no justification has been provided as to why the precinct warrants a stricter planning regime.

One submitter considers that the tower separation and setback requirements in Table 1 of DDO14 simultaneously require a minimum separation of 20 metres and 24 metres between towers. The submitter suggests that this could be avoided with overarching built form objectives and one table containing discretionary setback provisions.

## **Management Response**

### Removal of height restrictions and impact of towers

The current built form controls within the Melbourne Planning Scheme for the precinct were developed over 10 years ago. Since these controls were introduced the city has undergone significant change and the built form controls need to be updated to recognise that the Market precinct is now very much a part of the central city.

A significant amount of research and analysis has been undertaken in developing DDO14 and DPO11. While the removal of height restrictions is a shift from the traditional approach, the new provisions ensure a high quality public realm.

DPO11 with its tighter controls ensures an appropriate interface with the market and also allows the area to act as a transition to the rest of the City.

### Podium heights

The specified podium heights included in both DDO14 and DPO11 are the result of extensive urban design and heritage analysis. The podium heights specified in this area are consistent with other parts of the Central City.

The lower podium heights along Therry Street in DPO11 specifically respond to the heritage character of the Market.

### Mandatory controls

The current planning policies that apply in the precinct are discretionary and are no longer effective in controlling building height around the market. The proposed DDO14 and DPO11 include a mix of discretionary and mandatory controls for podium height, tower separation and setbacks. The requirements of the mandatory and discretionary controls in conjunction with the other provisions included in both DDO14 and DPO11 will ensure that the public realm is a lively and comfortable environment for residents and visitors.

### Open space and public amenities

The Amendment includes a large area of public open space with an adjoining building which will may contain commercial, retail and community facilities and will service Queen Victoria Market customers, traders and management together with the broader community and visitors.

In accordance with the QVM master plan, bike parking will be provided at a range of locations.

**Recommended change**

No change to Amendment C245 is recommended.



### 3. Site consolidation

#### Submitters on this issue

23: Katherine Greening

27: David Legge & Bona Seo

42: Cheryl McKinna

45: Catherina Toh

#### Summary of issues

While submitters acknowledged that other factors (eg heritage overlay) may restrict the actual height of a potential tower, some submitters were of the view that these would not necessarily address a future scenario such as a consolidation of sites.

Submitters are concerned that the parcels of land along Therry and Queen Street may be consolidated (which would enable increased building heights).

In relation to the northern side of Franklin Street (east of Queen Street), submitters do not consider that there are sufficient controls to prevent site consolidation.

#### Management Response

Site consolidation does not require a planning permit. As the DPO11 area is generally subject to a Development of any consolidated site will be limited by heritage considerations.

#### Recommended change

No change to Amendment C245 is recommended.

## 4. Amenity

### Submitters on this issue

- 6: Zheng Yao Jia
- 23: Katherine Greening
- 25: Melody Powell
- 29: Renato Ferreira
- 31: Paul Milo
- 32: Ronaldo Lubong & Rowena Angayon
- 33: Nelson Estrella
- 35: Phil Rounsevell
- 42: Cheryl McKinna
- 43: Peter Pierce
- 45: Catherina Toh
- 49: Hamish McNeil-Young
- 56: Bob Evans and Marisa Wilkins
- 57: National Trust of Australia and Melbourne Heritage Action

### Summary of issues

#### Privacy and access to sunlight

A submitter was concerned that inadequate distances between buildings, and use of glass in high-rise developments, result in privacy being reduced, and that controls should reflect best practice and include a requirement to consider the location of windows and balconies.

More specifically, submitters are concerned that a tall building opposite the Melbourne Terrace apartment building in Franklin Street would destroy its passive solar design qualities by blocking winter sun to the lower level apartments. Submissions were also concerned with other residential apartments on the southern side of Franklin Street losing winter sun from the development of towers within the market precinct.

One submitter supports the changes to clause 22.02, however is concerned that no guidance is provided as to what extent of overshadowing may be acceptable. The submitter would prefer a "must not" in place of the proposed "should not".

One submission proposed that the eastern section of the southern development sites be instead used as a small open space area with bike sheds and public amenities to provide a range of benefits, including avoiding habitable rooms facing each other.

### Overshadowing

Submissions were concerned that taller buildings will increase overshadowing in key streets and buildings, reducing amenity at street level. Submissions suggested that overshadowing controls should be expanded to ensure that new buildings do not overshadow the streets or existing buildings in the precinct. A requirement that there is no further overshadowing of existing open space or common areas at the winter solstice was also suggested for inclusion.

One submission proposed that the eastern section of the southern development sites be instead used as a small open space area with bike sheds and public amenities to provide a range of benefits, including allowing additional light to penetrate to the roadway and the proposed public open space.

### Loss of views

A number of submissions are concerned that new development/increased height limits could result in the loss of views and outlook for many residents, with a consequent reduction in property values. In particular, one submitter strongly opposes any increase in the permitted maximum building height on Parcels B and C, as this would interfere with their view of Flagstaff Gardens, with consequent reduction in property values.

One submission proposed that the eastern section of the southern development sites be instead used as a small open space area with bike sheds and public amenities to provide a range of benefits, including avoiding the loss of north facing uninterrupted views from 253 Franklin Street.

### Wind

One submission is concerned that taller buildings will increase wind tunnel effects in key streets, reducing amenity at street level, which would in turn lead to fewer pedestrians, and streets therefore becoming less attractive and safe for residents.

A concern in relation to wind was raised in relation to the Queen's Corner building – refer to section 6 of this report for discussion.

## **Management Response**

The Amendment does nominate standards for building separation. The tower separation is 24m which subject to design standards may be reduced to a minimum of 10m. The design standards include a provision that habitable room windows not directly face one another. The standards are included to ensure habitable rooms have good amenity including privacy and good daylight.

The proposed controls and specifically tower separation, in addition to protecting internal amenity, have been developed to mitigate overshadowing of the public realm

Any impacts on views and access to sunlight need to be seen in the context of this area being part of the central city. Generally views and access to sunlight are constrained in such a densely developed location.

As with any east west street in the central city even in the retail core, development on the southern side of Franklin Street will have reduced solar access. This needs to be seen in the context of the benefits this amendment will have for the broader community, including a reinvigorated QVM.

The loss of views for some residents is unfortunate but needs to be seen in the context of the benefits the amendment will have for the broader community. Loss of views is generally not accepted as a planning argument.

Provisions are included in the amendment to manage wind so that wind tunnels do not form and so that all streets are pleasant.

The amendment does address overshadowing of public open space.

**Recommended change**

No change to Amendment C245 is recommended.

## 5. Zoning changes

### Submitters on this issue

- 34: Bruce Echberg (Urban Initiatives)
- 37: Tom Carson (Director Abode Restoration)
- 38: Soma Pandji
- 41: Karin M Penttila
- 47: Andrew Hallsworth
- 48: Craig Lynch
- 51: Friends of the Queen Victoria Market
- 56: Bob Evans and Marisa Wilkins
- 61 – 152 & 156: Various

### Summary of issues

A number of submissions suggested that the capital city zone boundary should exclude the entire QVM precinct, rather than just the heritage components of the market site (on the basis that the location of the boundary was put in place by Council with no opportunity for community comment).

Another submission stated that the zoning should remain as CCZ, as under the proposed PUZ any use can be characterised as as-of-right. A couple of submissions noted that the rezoning to PUZ will not enable them to appeal to VCAT if they oppose entertainment venues/licensed venues in the area, and that more entertainment in the area will increase unsociable behaviour such as graffiti and rubbish generation.

### Management Response

Only land in public ownership can be included in the Public Use Zone.

The whole area is currently in the Capital City Zone. The Queen Victoria Market precinct and Queen Street extension are to be rezoned to Public Use Zone in recognition of their long standing use for public purposes. The new zone will continue to facilitate the existing use and development of the land for the Market and its functions but differentiate it from the land surrounding it.

Under the Public Use Zone Section 1 (permit not required uses) must:

- *be for the purpose described in the table to Clause 36.01-6 which corresponds to the notation on the planning scheme map.*
- *The use must be carried out by or on behalf of the public land manager.*

Although licensed entertainment such as the QVM night markets is allowed, entertainment and licensed **venues** would not fall within this definition.

**Recommended change**

No change to Amendment C245 is recommended.

## 6. Visitor centre and public open space

### Submitters on this issue

7: Janet Doyle

9: Barry and Susan Ziebell

19: Margaret Burrows

31: Paul Milo

36: Louis Christou

42: Cheryl McKinna

43: Peter Pierce

46: Russell Mooney

### Summary of issues

Submissions were concerned about a number of aspects of the visitor information centre on Parcel C

- Some were opposed to it being constructed facing the proposed public open space, namely because it could block visual and physical access to the open space and physically block and sever the visual link and interface between Parcel B and QVM (some suggested a 10 metre maximum height for this building).
- Others considered that the site, length, height and scale of the building are inappropriate compared with other buildings in the immediate vicinity (and other visitor centres in the municipality), and on the basis that it would have negative impacts on open space, heritage, pedestrian and traffic flow (removal of bus parking and reduction in traffic flow capacity due to a narrowing of the road), overshadowing and wind tunnelling. A smaller building further north of Queen Street, or to the west were suggested as more appropriate alternatives.
- Some thought that the new building would substantially narrow the width of the existing roadway and would take up valuable public realm space adjacent to the QVM, amounting to the inappropriate erosion of the existing public realm.
- Some thought that the new building would block and interrupt existing available views of the QVM when travelling north along Queen Street towards the Franklin Street intersection.
- There was concern about the need to remove mature plane trees.

In terms of the public open space:

- One considered that the public open space should be a park without any buildings.
- Another submitter considered that the development proposals will diminish the area of open space, and that the entire car park, not just half of it, should be included as new "green space".

- One submitter was concerned about increased amenity issues from the creation of an entertainment space.

One submission proposed that the eastern section of the southern development sites be instead used as a small open space area with bike sheds and public amenities to provide a range of benefits, including to provide public amenities for visitors to the area, assist people more easily locate the market and connect to it providing a better customer experience, and allow people to see further into the CBD and more visibly see the heritage listed buildings.

### **Management Response**

An important element of this amendment that will provide significant community benefit is the designation of a large part of the QVM site as public open space under the planning scheme.

Under the agreement between the City Of Melbourne and the State in relation to the Market development the building on the eastern side of the public open space is required to be provided.

Detailed design of this building is yet to be undertaken. However it will be designed to activate the public open space. As it is positioned east of the public open space and with its height limited to 20m there will be some overshadowing in the early morning. However the benefit of a facility which will activate and enliven the open space outweigh the small amount of overshadowing.

The building may contain commercial, retail and community facilities and will service Queen Victoria Market customers, traders and management together with the broader community and visitors

### **Recommended change**

No change to Amendment C245 is recommended.



## 7. Car parking

### Submitters on this issue

- 7: Janet Doyle
- 10: Meng Miao
- 13: Mary Lou Howie
- 14: Elizabeth Grgacic
- 15: Mick Brancatisano
- 16: Sarah Butterfield
- 17: Anna Epstein
- 22: Boo Radly
- 24: Jillian Bamforth
- 25: Melody Powell
- 27: David Legge & Bona Seo
- 31: Paul Milo
- 39: Harley Anstee
- 51: Friends of the Queen Victoria Market
- 58: Althea Thomas
- 61 – 152 & 156: Various

### Summary of issues

The submissions raised concerns about the loss of current customer car parking and the resulting impact on market customers and visitors and the consequent viability of the market.

Submissions were also concerned about the approach of allowing reduced car parking rates for high rise developments, which puts significant pressure on minimal on-street parking. In contrast, another submission argued that Council should consider apartments without car parking facilities, as the area is very well serviced with public transport.

Submissions criticised the vague description of the redevelopment which makes assessing the adequacy of proposed car parking difficult.

One submitter questions why the site that has been divided off the existing car park has not been proposed as a new carpark to serve the needs of the public and the building itself.

One submission proposed that the eastern section of the southern development sites be instead used as a small open space area with bike sheds and public amenities to provide a range of benefits, including avoiding the loss of free on-street overnight car-parking for 253 Franklin Street. An alternative to provide overflow car parking on some of this site was also suggested.

**Management Response**

There will be no change to the number of car parking spaces currently provided within the precinct. A requirement in DPO 11 states the existing 720 car parking spaces associated with the Queen Victoria Market located within the proposed public open space and New Franklin Street should be relocated to Parcels A (Munro site) and/or D (Southern Development sites).

The amendment does not propose any change to the CBD parking regime.

**Recommended change**

No change to Amendment C245 is recommended.

## 8. Traffic

### Submitters on this issue

2: Nicholas Dow (Melbourne Bicycle User Group)

8: Tony Morton (PTUA)

9: Barry and Susan Ziebell

19: Margaret Burrows

25: Melody Powell

27: David Legge & Bona Seo

31: Paul Milo

39: Harley Anstee

41: Karin M Penttila

42: Cheryl McKinna

43: Peter Pierce

53: Urbis on behalf of MIT Australia Pty Ltd

56: Bob Evans and Marisa Wilkins

### Summary of issues

#### New Franklin Street

One submitter wants New Franklin Street to be only one traffic lane in each direction to prevent cutting the market off from the CBD.

One submitter is concerned that a faster and higher traffic load on Franklin Street will endanger tourists on a leisurely shopping trip, as well as regular shoppers with children.

One submitter is opposed to the new Franklin Street development as the traffic will impact on the peacefulness of the proposed open space.

One submitter is concerned about an adverse effect on the residential liveability of Franklin Street as a result of additional traffic from Dudley Street along the proposed re-aligned Franklin Street to connect with Victoria Street, as well as ingress and egress from the proposed new car park in Therry Street. One submitter is concerned about the disruption to, and increase in, traffic due to the realignment of Franklin Street.

One submitter questions how and why Franklin Street would be used by motorists and how pedestrian friendly the promenades will be.

### Franklin Lane

The developer of 386-412 William Street is concerned that its access to the site off the current Franklin Street will be significantly impacted (traffic assessment attached to submission), and requests that two way traffic along Franklin Lane be considered.

One submission (from an owner of an apartment at 253 Franklin Street) proposed that the eastern section of the southern development sites be instead used as a small open space area with bike sheds and public amenities. This submission noted that the impact that "retro fitting" a CBD style laneway onto residents who have chosen not to live in CBD style laneways surrounded by high rise buildings and car ingress points should not be underestimated. If a building is constructed on this site, the submitter considers that Franklin Lane should be 20 metres wide as a "secondary street", supporting the transitional nature of this area.

### Roads generally

One submission indicated that the remainder of Franklin Street and all of A'Beckett Street are future sites for "road diet" treatment to create linear parks and public open space but reducing traffic lanes.

Another submitter stated that riding a bike is not safe for the cyclist or pedestrian, and that parts of the QVM precinct are currently unpleasant for pedestrians.

One submission proposed that the eastern section of the southern development sites be instead used as a small open space area with bike sheds and public amenities to provide a range of benefits, including to encourage and support people riding their bikes to QVM and more easily locate the market and connect to it.

One submission noted that the major transport challenge for Council is that the city is expected to grow substantially and will be required to cater for increased numbers of daily visitors and residents. QVM alone constitutes a major transport destination, and encouragement should be given to wheeled luggage to substitute for private motor vehicle trips by market patrons. The submission also noted that increased traffic volumes could be introduced in the QVM Precinct in the event the Western Distributor goes ahead with CBD exits.

A couple of submissions linked the increase in building heights and development (and therefore occupants) to an increase in traffic (with one submission indicating that this, in combination with proposed re-directed traffic flows, will destroy the uniqueness of the market area). One submission stated that new development should be limited to address the significant existing traffic congestion problems (which makes the area less pedestrian friendly). One submitter stated that the minimum requirements for inclusion in a traffic report need to be prescribed (so that approved development or developments with permits pending are not ignored).

### Munro

One submitter questions how people are going to access the Munro site (particularly the car parks) if it is supposed to be a pedestrian friendly area. Another submitter notes that the traffic management study is silent on the impact of vehicle ingress and egress for the proposed car park on the Munro site.

One submitter is concerned about an adverse effect on the residential liveability of Franklin Street as a result of additional traffic from Dudley Street along the proposed re-aligned Franklin Street to

connect with Victoria Street, as well as ingress and egress from the proposed new car park in Therry Street.

### **Management Response**

#### New Franklin Street

The final design and form of the proposed New Franklin Street is currently being developed and will address many of the concerns raised by submitters. To support Amendment C245 the City of Melbourne engaged Movendo traffic consultant to prepare *Melbourne CBD North Edge Traffic Study April 2015*. This report includes a concept design for new Franklin Street which provides one lane in each direction with generous footpaths and on street bicycle lanes. Specific design and speed treatments will be incorporated into the design of the New Franklin Street to ensure that it does not become a busy thoroughfare for vehicles.

It is proposed that New Franklin Street will be a local city road that operates as other local city roads do throughout the municipality. These roads are designated with low speeds of 40 kilometres per hour, and carry high numbers of pedestrians with wide footpaths and safe crossing points for all users.

A key aim through the Queen Victoria Market Master Plan is to ensure that the QVM is a more pedestrian friendly environment.

Franklin Lane is currently a two way street and there has been no decision to change the status if this

#### Roads generally

The City of Melbourne has a number strategies, plans and projects to improve our streets. These include; The Last Kilometre Freight Plan, the Transport Strategy, the Walking Plan and the Urban Forest Strategy

The City works actively with those agencies responsible for any initiatives affecting private vehicle and public transport into and through the City.

### **Recommended change**

No change to Amendment C245 is recommended.

## 9. Transport

### Submitters on this issue

8: Tony Morton (PTUA)

9: Barry and Susan Ziebell

19: Margaret Burrows

25: Melody Powell

### Summary of issues

#### Trams

One submission was opposed to the proposed relocation of the tram stop on Elizabeth Street from the intersection with Victoria Street to the south of Therry Street, as this would make the tram stop more remote for QVM visitors. The quality of tram services available to market patrons was seen as an issue by this submission, and another submission noted the overcrowding of existing tram services and suggested that major developments should not be approved until adequate public transport is provided.

One submission requested that Council should strongly advocate to the Victorian Government for:

- low floor trams to service QVM (which would assist in the use of wheeled luggage and QVM customers carrying larger loads of shopping);
- regular tram services on the Victoria Street/Victoria Parade corridor from North Melbourne station (to provide for extended east west services and to connect with existing northern and eastern suburban public transport services, which would benefit patrons of QVM); and
- necessary improvements in public transport services from western suburbs to access the CBD and inner northern suburbs.

#### Buses

One submission noted that seven route buses service QVM, and require turning access principally in Queen Street, Franklin Street, Peel Street and A'Beckett Street. The functionality of this terminus capacity and street access needs to be retained in the plans for QVM, with scope for further terminal expansion retained in light of a likely increase in the number of services.

One submission is concerned about the accumulation of stationary buses in Queen Street in the vicinity of the Visitor Information Centre, resulting in air and noise pollution.

#### Train

A couple of submissions advocated for Flagstaff station to be open on weekends.

**Management Response**

The issues raised through submission relating to public transport to the precinct are matters beyond scope of Amendment C245, however the City of Melbourne recognises the importance of public transport servicing the QVM precinct for residents, worker and visitors and will continue to work with the State Government and public transport providers to ensure services are continuously improved and accessible to all.

The State Government announced in December 2015 that trains will stop at Flagstaff Station on weekends from 1 January 2016.

**Recommended change**

No change to Amendment C245 is recommended.

## 10. Heritage

### Submitters on this issue

- 5: Frances Separovic
- 10: Meng Miao
- 11: Guosen He
- 13: Mary Lou Howie
- 15: Mick Brancatisano
- 16: Sarah Butterfield
- 17: Anna Epstein
- 18: Kim Yoon Thong
- 22: Boo Radly
- 23: Katherine Greening
- 24: Jillian Bamforth
- 27: David Legge & Bona Seo
- 28: Ray Culvenor
- 31: Paul Milo
- 32: Ronaldo Lubong & Rowena Angayon
- 33: Nelson Estrella
- 35: Phil Rounsevell
- 39: Harley Anstee
- 42: Cheryl McKinna
- 45: Catherina Toh
- 46: Russell Mooney
- 50: Alan and Sybil Langley-Jones
- 56: Bob Evans and Marisa Wilkins
- 57: National Trust of Australia and Melbourne Heritage Action



58: Althea Thomas

### Summary of issues

A number of submissions are concerned the Amendment will either destroy the integrity of QVM, or not adequately protect the heritage qualities, character and buildings of the precinct, namely as a result of the low scale and intimate built form being surrounded by and including high-rise towers with small setbacks.

One submission was concerned that heritage buildings would be facaded or demolished to allow for tower developments, and provided a detailed analysis of the building and podium heights, as well as setbacks, which should be allowed in light of particular heritage buildings and the heritage character of the area generally. In particular, this submission noted that:

- The loss of height controls at the southern end of the site will allow development with unrestricted height over the sheds and the total erasure at the Franklin Street boundary of the full historical extent of the market site and former cemetery.
- The C198 Panel, reviewing the proposal to delete the small island carpark site south of the market from HO7, was persuaded that the Heritage Overlay may be removed in the context that the existing DDO14 would remain; ensuring development will be consistent with the scale and built form of the Market.

Some submissions expressed the view that if much of the heritage value of QVM is lost, future development of the market will be more likely.

Some submissions urge that stronger controls be put in place to preserve what still remains of the original built form, and the importance of QVM and the surrounding buildings in Therry, Queen and Franklin Streets.

One submission specifically suggested that buildings along Therry/Queen Streets should not exceed 3 storeys, as taller buildings will dwarf the Mercat Cross Hotel. The submitter also considered that height limits along Franklin Street south east of QVM should remain at 30 metres to be consistent with heritage buildings like Discovery Hotel, Melbourne Terrace Apartments and Burbank House.

One submission proposed that the eastern section of the southern development sites be instead used as a small open space area with bike sheds and public amenities to provide a range of benefits, including allowing heritage buildings to be more visible.

Another submitter would like to see the traditional heritage of QVM retained with a large part of the old buildings changed to gourmet streets, no new infrastructure, more Asian food stores, and conversion of a small part of the old buildings into supermarkets for the purchase of dry goods.

One submission expressed the view that the new road through the Old Melbourne Cemetery dishonours the memory of our first citizens.

One submission disagreed with the removal of heritage restrictions.

## Management Response

As stated above, the built form proposals in the Amendment have been tailored to ensure that new development responds appropriately to the market.

Any development of heritage buildings will be assessed under the Council's heritage policy at Clause 22.04 of the planning scheme. Under this policy facadism is not supported.

The use of the market buildings and associated streets is part of the master plan process and not part of this amendment.

Amendment C245 does not make any changes to the heritage status of buildings in the Queen Victoria Market Precinct. The City of Melbourne recognises the importance of individually significant heritage buildings and the value that these buildings bring to make up the whole precinct. The City of Melbourne is committed to protecting and enhancing the heritage buildings within this precinct.

The QVM is on the Victorian Heritage Register and Council recently undertook a heritage review of the City North area which includes the market and surrounds. Amendment C198 to introduce new heritage controls was approved in 2015.

The report '*Queen Victoria Market Renewal Precinct Built Form Controls – Review of Heritage issues' April 2015* was prepared by Lovell Chen and forms part of the documentation for Amendment C245. This report was an integral component in the development of the policies in DDO14 and DPO 11 and provides expert advice on the potential impact of future development on surrounding heritage buildings.

The recognition and protection of the Queen Victoria Market Precinct is currently well documented in the Melbourne Planning Scheme. The MSS includes a number of statements which support the Queen Victoria Market as a retail and tourist facility and as a heritage asset of State significance. The Queen Victoria Market Precinct is also included in clause 22.04 *Heritage places within the Capital City Zone* as an area of significance (HO7), this clause seeks to conserve and enhance all heritage places and the character and appearance of precincts.

The Melbourne Planning Scheme recognises a number of buildings with the precinct as individually significant, most obvious and notably the Queen Victoria Market building (HO496) in addition to its inclusion on the Victorian Heritage Register. A number of properties along Franklin Street and A'Beckett Street also have individual heritage status.

The Queen Victoria Market has also been nominated for inclusion on the Australian National Heritage List, with a nomination for UNESCO World Heritage listing to follow.

## Recommended change

No change to Amendment C245 is recommended.

## 11. Public realm

### Submitters on this issue

4: Richard Webb

14: Elizabeth Grgacic

25: Melody Powell

31: Paul Milo

40: Richard Stevenson (Hansen Partnership)

41: Karin M Penttila

60: Jerone Lui

### Summary of issues

#### Public realm Improvements

A number of submissions called for various improvements to the public realm/services:

- nature strips and tree planting, including setback of sufficient size to allow the planting of large canopy trees;
- widening of footpaths on A'Beckett Street to allow increased footpath dining and improve the surfaces;
- increased number of playgrounds and kindergartens to cater for the increasingly diverse population, including families;
- ageing drainage infrastructure, noting the flood prone nature of parts of the precinct;
- street cleaning; and
- lack of facilities generally for existing residents.

One submission proposed that the eastern section of the southern development sites be instead used as a small open space area with bike sheds and public amenities for visitors.

#### Housing diversity

One submitter has concerns about internal amenity for residents of very small apartments. The submitter calls for a minimum apartment size, and a mandated dwelling mix.

#### Impact on viability of market

One submission argued that retail development must not adversely affect the viability of family run traders of the market, and that no agreement or partnership with a large retail entity should be entered into as a means of funding the QVM renewal.

**Management Response**

All of the above are being considered by the City of Melbourne but are not part of the Amendment process.

**Recommended change**

No change to Amendment C245 is recommended.

## 12. Impact on property values

### Submitters on this issue

25: Melody Powell

31: Paul Milo

49: Hamish McNeill-Young

### Summary of issues

One submitter, an owner of an apartment at 253 Franklin Street, submitted that the development of the southern development sites would have an adverse impact on the value of properties at 253 Franklin Street.

Other submissions noted that the loss of views will have an effect on property values.

### Management Response

Effects on property values are not a consideration of the planning scheme amendment process.

### Recommended change

No change to Amendment C245 is recommended.

## 13. Council processes

### Submitters on this issue

- 34: Bruce Echberg (Urban Initiatives)
- 37: Tom Carson (Abode Restoration)
- 38: Soma Pandji
- 40: Richard Stevenson (Hansen Partnership)
- 47: Andrew Hallsworth
- 48: Craig Lynch
- 51: Friends of the Queen Victoria Market
- 55: Jenny Pyke
- 57: National Trust of Australia and Melbourne Heritage Action
- 61 – 152 & 156: Various
- 154: Peter Brohier

### Summary of issues

#### Lack of consultation

A number of submissions objected to the lack of consultation during the development of the Amendment.

#### Not enough information

Some submitters consider that the amendment sets out little detail about the form of new developments (and street design and redevelopment of the Munro site), and only general statements about the redevelopment of the market proper, and therefore does not provide certainty.

One submitter considers that it should be afforded a further formal opportunity to make a submission once a concrete proposal has been developed.

#### Planning permit process

Submissions consider that the amendment will give the Council a high degree of discretion in respect of the final form of the redevelopment, with no further formal consultation with the community. Council should be required to seek further planning approval, as Council's priorities may change over time, and there is no certainty that the Council will abide by the principles set out in the masterplan as it is only a reference document. Some submitters suggest that there should be an independent decision maker before each stage or quarter of the redevelopment is undertaken.

Another submitter is concerned that DPO11 has the effect of exempting a planning permit application from notice and review if it is generally in accordance with an approved plan.

Lack of strategic vision/justification

One submitter considers that the proposed built form controls are not supported by detailed built form modelling and analysis, and queries whether any built form testing or modelling was undertaken to guide the proposed built form outcomes. In particular:

- In the Queen Victoria Market Precinct Renewal: Built Form Review & Recommendations report, Section 5.2.3 Built for frontages adjoining QVM contains a one page general discussion of relevant issues and objectives, however does not contain further detailed built form modelling or analysis.
- In relation to the Mel Consultants P/L letter, it is unclear as to how this material has specifically influenced the DPO11. The submitter does not disagree with the principles, but questions the strategic justification underpinning such technical controls.

A number of submissions object to the lack of professional urban design analysis and consultation during the development of the Amendment, and consider that no credible justification is included in the amendment documentation for such a radical change of direction.

Another submitter considers that the urgency around securing the land at the rear of Franklin Street is creating urgency that is not conducive to considered planning.

Another submitter considers that there needs to be a greater vision of the QVM project before the amendment can be justified.

**Management Response**

The purpose of the Amendment is to set the rules for new development. The Amendment does not deal with the specific development of any particular site.

Where a development plan has been prepared, a DPO exempts all applications, including under the heritage overlay, from the need to obtain a planning permit and therefore public consultation and input.

DPO 11 has been written with specific permit requirements so that development can proceed without the need for a development plan. If no Development Plan has been prepared, planning permit applications, and public consultation (as a result of the heritage overlay), will be required.

However any application for development of properties that are subject to a Heritage Overlay will be exhibited. As the Munro site is subject to a heritage overlay the development application for the site will be exhibited and the community will be able to comment on the specific proposal. As the market itself is on the Victorian Heritage Register, its development will be assessed by Heritage Victoria.

All development applications will be subject to the provisions of the *Act* and the Melbourne Planning Scheme. If the development on the Munro site is greater than 25,000m<sup>2</sup> the Minister for Planning will be the responsible authority for considering the application.

Amendment C245 implements vision set out in the *Queen Victoria Market Precinct Renewal Master Plan*. The Master Plan was subject to a comprehensive and fulsome public consultation which included three phases of consultation.

Similarly, Amendment C245 has been subject to a comprehensive program of public consultation. Approximately 16,000 letters were sent to owners and occupiers of land within and surrounding the Queen Victoria Market precinct, notices were published in a range of newspapers and copies of all amendment documentation were made available through the Participate Melbourne website and at Council offices. The public exhibition of the amendment included two public meetings at which the Amendment was explained, as well as the opportunity for one-on-one discussions and explanations by Council officers.

At this current stage Council reviews submissions in order to assess whether any changes to the Amendment are required prior to its review by an independent panel.

In the next stage of the amendment process the Minister for Planning will appoint an independent panel from Panels Victoria who will invite all submitters to present their submissions in person to the panel. Whether submitters take up this opportunity or not, the panel will consider all submissions. The panel's proceedings are open to the public and are conducted to make them accessible to everyone. The panel will provide advice to Council which will be taken into account when Council considers making final changes to the amendment.

The strategic justification forming the basis of Amendment C245 is well documented through this management response as well as in the Explanatory Report which forms part of the amendment documentation.

**Recommended change**

No change to Amendment C245 is recommended.



## MELBOURNE PLANNING SCHEME

### AMENDMENT C245

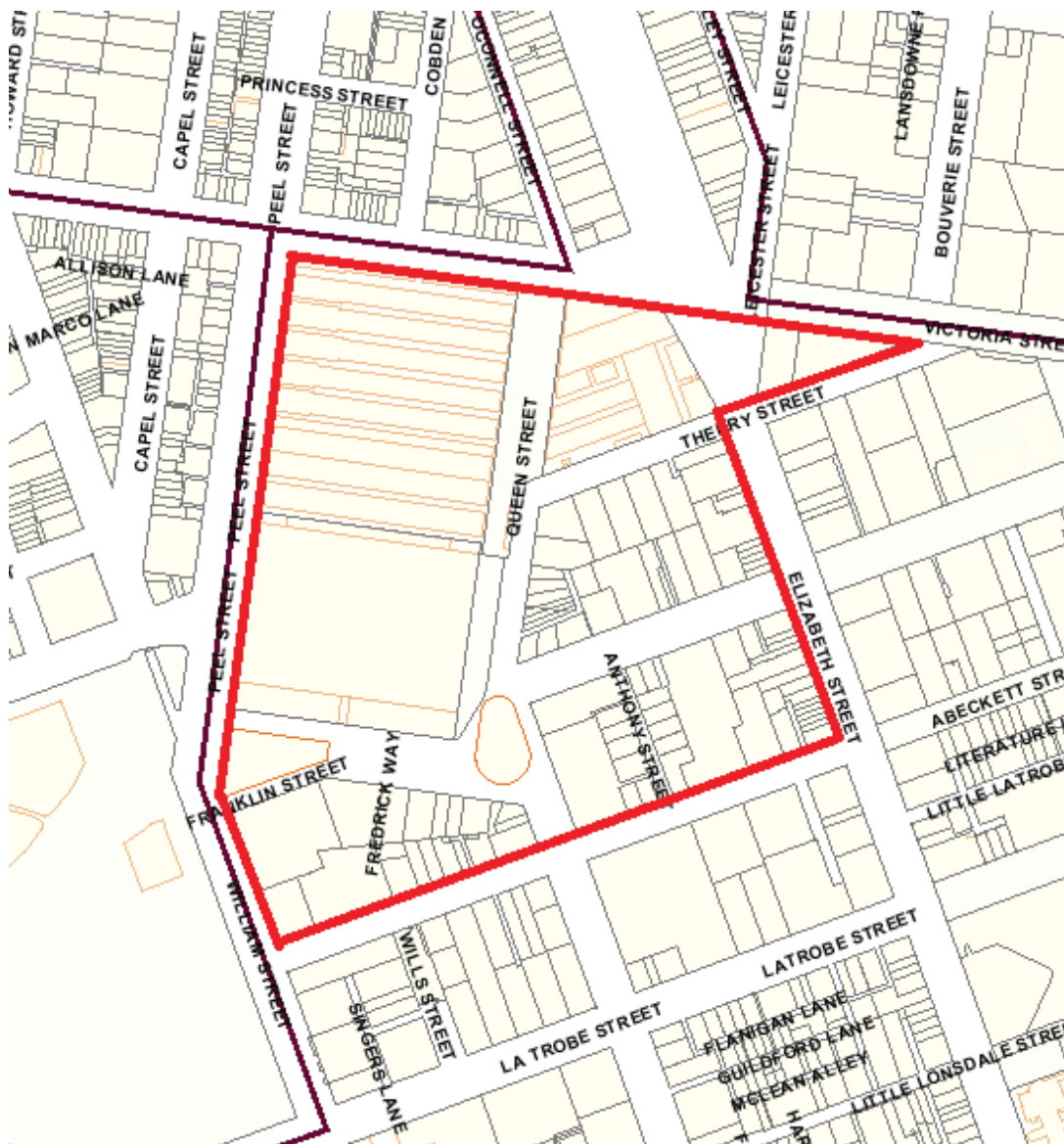
#### EXPLANATORY REPORT

#### Who is the planning authority?

This amendment has been prepared by the City of Melbourne, who is the planning authority for this amendment.

#### Land affected by the amendment

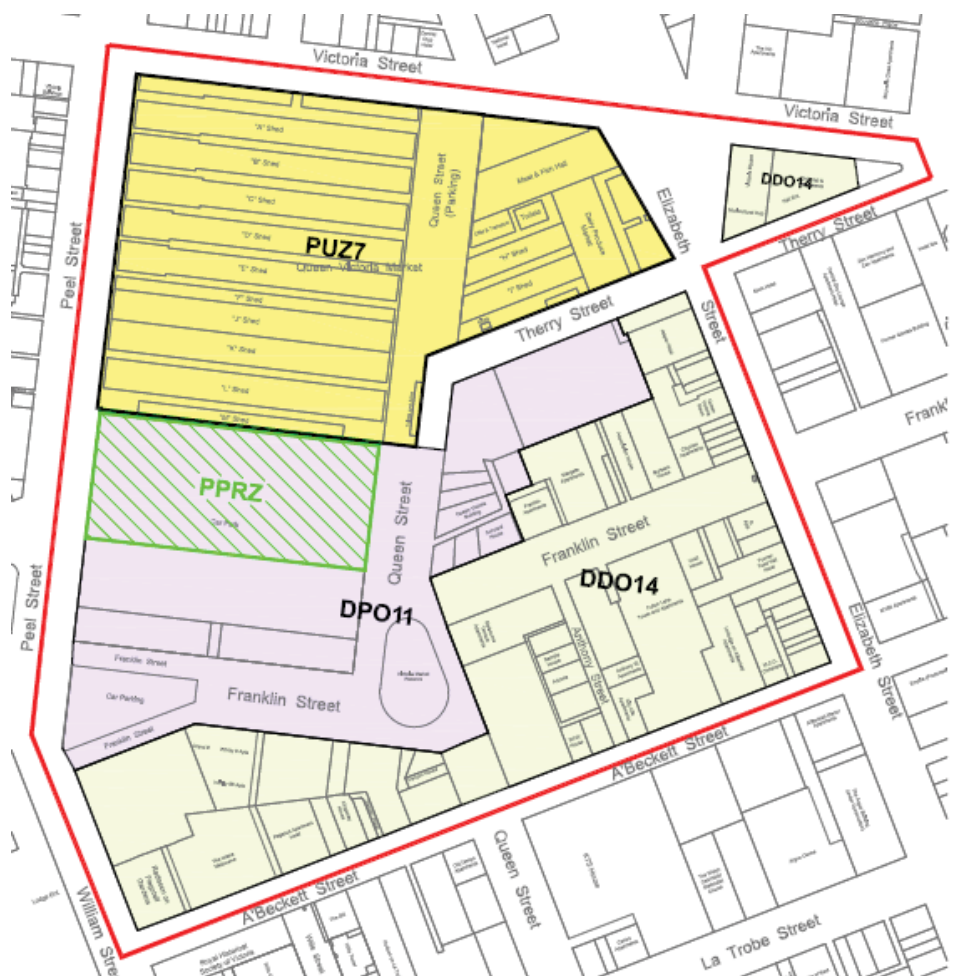
The amendment applies to the Queen Victoria Market (QVM) Precinct as shown on the following map:



## What the amendment does

The amendment proposes to:

- Rezone land as follows:
  - The majority of the Queen Victoria Market land and Queen Street extension currently zoned Capital City Zone (CCZ1) to be rezoned to Public Use Zone (PUZ7); and
  - The Queen Victoria Market car park currently zoned Capital City Zone (CCZ1) to be rezoned to Public Park and Recreation Zone (PPRZ).
- Apply a new Schedule to the Development Plan Overlay (DPO11), which incorporates a vision and design requirements for development of land, including Council owned land, adjacent to the Queen Victoria Market.
- Delete existing schedule 14 to the Design and Development Overlay (DDO14) from the Queen Victoria Market and land to which DPO11 applies to contract the area covered by DDO14.
- Amend the existing schedule 14 to the Design and Development Overlay (DDO14) which will apply only to the contracted area, to introduce revised built form controls for new development.
- Amend the Built Environment and Heritage within the Hoddle Grid Policy (Clause 21.12) to delete an existing policy statement relating to the existing DDO14, and amend Figure 6: Hoddle Grid to show the Queen Victoria Market and to extend the area of the Queen Victoria Market Precinct (to which this amendment applies).
- Amend the existing clause 22.02 Sunlight to Public Spaces to include a provision that development should not overshadow Flagstaff Gardens between 11am and 2pm on 21 June.



## Strategic assessment of the amendment

- **Why is the amendment required?**

The City of Melbourne has developed a masterplan for the Queen Victoria Market Precinct, to set a positive agenda for conserving the heritage significance and character of the QVM, whilst meeting the contemporary needs of traders, shoppers and a growing City.

The amendment is required in order to implement a revised framework of planning controls that facilitates the principles established in the masterplan, safeguards the future of the QVM and enhances its surrounds.

The *Queen Victoria Market Precinct Renewal: Built Form Review and Recommendations Report* prepared by Jones & Whitehead Pty Ltd (the Built Form Review) identifies shortcomings in the existing controls affecting the QVM and its environs. It sets out recommendations regarding the Queen Victoria Market Precinct and changes to the existing planning controls, which the amendment seeks to implement.

***Required changes to the planning scheme:***

The QVM and the Queen Street extension are to be rezoned to the Public Use Zone in recognition of their long standing use for public purposes. The new zone will continue to facilitate the existing use and development of the land for the Market and its attendant functions, differentiating it from the land surrounding it which is in either a Mixed Use Zone (MUZ) or Capital City Zone (CCZ1).

The land to the south of main Market building, between Peel Street and Queen Street is proposed to be rezoned to a Public Park and Recreation Zone. This is to implement the masterplan's proposal to relocate the existing market car park to other Council owned site(s) in the precinct and use the land as a new public open space.

A new Development Plan Overlay (Schedule 11) is proposed to be applied to the QVM car park, existing store buildings to the south and land opposite the market in Therry Street, Queen Street and Franklin Street. The DPO11 is proposed to apply new use and development requirements that will facilitate the recommendations of the masterplan and the Built Form Review. The area to which the DPO11 applies is considered the most sensitive being directly opposite the market. Any development proposal will be subject to street frontage heights and setbacks, and wind and weather protection requirements. These requirements are to ensure a lively and comfortable pedestrian environment and the interface with the Market and to ensure development responds appropriately to its scale and heritage character.

The existing Design and Development Overlay (Schedule 14) will be amended, to contract its extent (to be in part replaced by a Development Plan Overlay, and to introduce specific design requirements for building scale, heights, setbacks, facades, active street frontages, public spaces and new pedestrian access links. A number of these requirements align with policy direction in existing local policies and in order to simplify the planning scheme, these provisions have been subsumed into the new DDO. As Amendment C245 was prepared prior to the approval of Amendment C262, it was considered necessary that the revised area of DDO 14 remain and include built form controls that are generally complementary to the DPO provisions and complete the suite of planning scheme controls that will enhance whole QVM Precinct.

A consequential change is also required to Clause 21.12 (Hoddle Grid) to remove reference to a built form transition that is no longer relevant or achievable in the context of the built form review.

In granting authorisation the Minister for Planning has required the inclusion of policies to consider overshadowing of Flagstaff Gardens within DPO11 and to modify clause 22.02 Sunlight to Public Places. These changes have been made.

- **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria by putting in place a suite of planning tools that facilitate the orderly development of the land. The amendment balances the present and future interests of all Victorians via the fair, orderly, economic and sustainable use and development of land and the securing of a pleasant and efficient working, living and recreational environment for all Victorians and visitors to Victoria.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

The amendment is expected to have positive, environmental, economic and social benefits. The amendment aims to ensure that land use and development occurs within a framework that manages change at the interface with the Queen Victoria Market, delivers high quality public realm outcomes and facilitates planned improvements to the QVM.

- **Does the Amendment address relevant bushfire risk?**

Not applicable

- **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment complies and is consistent with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes pursuant to Section 7(5) of the Planning and Environment Act 1987 (the Act).

The amendment also complies and is consistent with the requirements of Ministerial Direction 11 on the Strategic Assessment of Planning Scheme Amendments.

Pursuant to section 12 of the Planning and Environment Act 1987 the amendment also complies with the Ministerial Direction No.9 (Metropolitan Strategy):

- *Direction 1.4 – Expanded central city:* the amendment will facilitate the future expansion of the CBD into the City North Precinct by encouraging a range of uses and quality built form outcomes that reflect the intended linking of the CBD and City North.
- *Direction 2.2 – Housing supply:* the amendment will assist with unlocking the capacity of the northern edge of the Central City for higher density mixed use development including housing and more affordable housing close to public transport and, employment and community services.
- *Direction 4.2 Protect Melbourne and its suburbs from inappropriate development:* the amendment will protect a unique City's precinct in and around the QVM and ensure that new development does not compromise the values held by the community for this area.
- *Direction 4.6 – More public spaces:* the amendment will enable the creation of a new public open space at the southern end of the market that complements highly valued existing public spaces in the area
- *Direction 4.7 – Respect our heritage:* the amendment will encourage new development that is designed and sited to respect the identified significance of heritage places, in particular the Queen Victoria Market.

- **How does the amendment support or implement the State Planning Policy Framework?**

The amendment is consistent with State Planning Policy by supporting the regeneration of existing urban land, providing good use of infill development and use of existing

infrastructure, whilst managing change and impacts on the significant Queen Victoria Market.

Specifically, the amendment is consistent with:

- *Clause 10 – Operation.* By managing the use and development of land adjacent to the QVM, the amendment will help deliver a net community benefit. This will be achieved by allowing an increased urban density, activating a mixture of different and complementary land uses as well as bringing vitality to the these areas.
- *Clause 11 – Settlement.* The amendment is consistent with the principles and objectives of Plan Melbourne and will manage development in a manner that will uphold the Metropolitan Strategy’s policy directives.
- *Clause 15.01 – Design and Built Form.* The amendment will facilitate the implementation of urban design, built form, and streetscape design principles to facilitate positive changes to land adjacent to the QVM. The amendment will help incorporate planning provisions that will encourage and support enhanced liveability, and amenity within the QVM environs.
- *Clause 16 – Housing.* The amendment will help deliver the strategic vision for the QVM environs by facilitating and contributing to the enhancement and planning of a vibrant, functional, safe and integrated part of the Central city which services the commercial, employment and housing needs of the municipality.

- **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

In accordance with the Local Planning Policy Framework of the Melbourne Planning Scheme, the amendment implements a review of the built form controls affecting the Queen Victoria Market and its environs.

The amendment proposes a new land use and development controls to facilitate positive changes adjacent to the QVM that contributes to the long term viability and vitality of a significant public asset that defines the northern edge of the City.

Clause 22.12 (Hoddle Grid) of the Municipal Strategic Statement has been amended to remove reference to a built form transition that is no longer relevant or achievable in the context of the built form review.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes appropriate use of the various zoning and overlay tools available under the Victorian Planning Provisions to achieve the strategic objective of the Scheme.

- **How does the amendment address the views of any relevant agency?**

An extensive consultation process on the draft Queen Victoria Market Precinct Masterplan was carried out seeking feedback from the community, agencies and stakeholders. All relevant agencies will be notified as part of the planning scheme amendment formal exhibition process.

- **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The City of Melbourne is an interface body under the Transport Integration Act 2010. It is required to have regard to transport system objectives and decision-making principles when making decisions that have a significant impact on the transport system.

The Amendment will improve the transport system. It will: encourage walking; reduce reliance on cars; and improve the pedestrian network within, into and out of the precinct. The Amendment will strongly integrate transport and land use by providing for more intensive land use near existing and proposed public transport nodes including the planned Melbourne Metro stations at Parkville and City North.

The Amendment provides for mixed land uses near existing and proposed stations which will increase the efficiency of the use of public transport infrastructure by increasing counter-peak and inter-peak use.

## Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The new planning provisions will have no marked effect on existing administrative costs to the City of Melbourne.

- **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

City of Melbourne  
Level 3, 240 Little Collins Street  
MELBOURNE VIC 3000

City of Melbourne website at [www.melbourne.vic.gov.au/planningamendments](http://www.melbourne.vic.gov.au/planningamendments)

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection) .

## Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: In the week of 11 April 2016
- panel hearing: In the week of 2 May 2016

## 21.12 HODDLE GRID

12/09/2013

ProposedC245

### Housing

- Support permanent and short term residential development in the Hoddle Grid that accommodates a diverse population.

### Economic development

- Encourage the development of a range of complementary precincts within the Hoddle Grid that offer a diverse range of specialist retail, cultural and entertainment opportunities.
- Encourage the retention and enhancement of specialised shopping and entertainment precincts within the Hoddle Grid, particularly, Hardware Lane, Chinatown, Collins Street and Little Collins Street.
- Support entertainment, bars, eating and other evening uses throughout the Hoddle Grid.
- Support the Retail Core as a compact, high-density retail precinct and facilitate easy pedestrian access.
- Support the consolidation of education clusters on the northern and western edges of the Hoddle Grid and in Flinders Street.
- Ensure the Northbank of the Yarra River has increased open space opportunities.
- Support the Queen Victoria Market as a retail and tourist facility, and as a heritage asset of State significance.
- Ensure the form and use of development around the Queen Victoria Market does not detract from its amenity nor compromise its 24 hour function.

### Built Environment and Heritage

- Protect the regular grid layout, laneways, tree-lined boulevards and identified significant public open spaces.
- Protect the scale of important heritage precincts, boulevards and other unique precincts that rely on a consistency of scale for their image, including the Retail Core, Chinatown, Hardware Lane, Flinders Lane, Bourke Hill, Parliament, the Melbourne Town Hall, and the churches on Flinders and Collins Streets.
- Facilitate the civic and ceremonial function of Swanston Street.
- Enhance Swanston Street as part of a boulevard axis which runs from Princes Park to St Kilda Road.
- Maintain a low rise form and streetscapes in the Retail Core and along key views to ensure an intimate pedestrian scale and views to key buildings are maintained.
- Ensure a clear edge between the taller built form of the Capital City Zone and the Docklands Zone and the lower form of the surrounding areas.
- Ensure a strong contrast in scale of development along Elizabeth Street from the lower scale areas to the north of Victoria Street and the higher scale of the Capital City Zone.
- ~~Ensure the area bounded by Latrobe and Victoria Streets and Elizabeth/Peel Streets has a lower scale than the Hoddle Grid and provides a contrast in built form scale between the lower scale of Carlton and North Melbourne and the higher scale of the Hoddle Grid.~~
- Ensure that the design of tall buildings in the Hoddle Grid promote a human scale at street level especially in narrow lanes, respects the street pattern and provides a context for heritage buildings.
- Ensure that new tall buildings add architectural interest to the city's sky line.

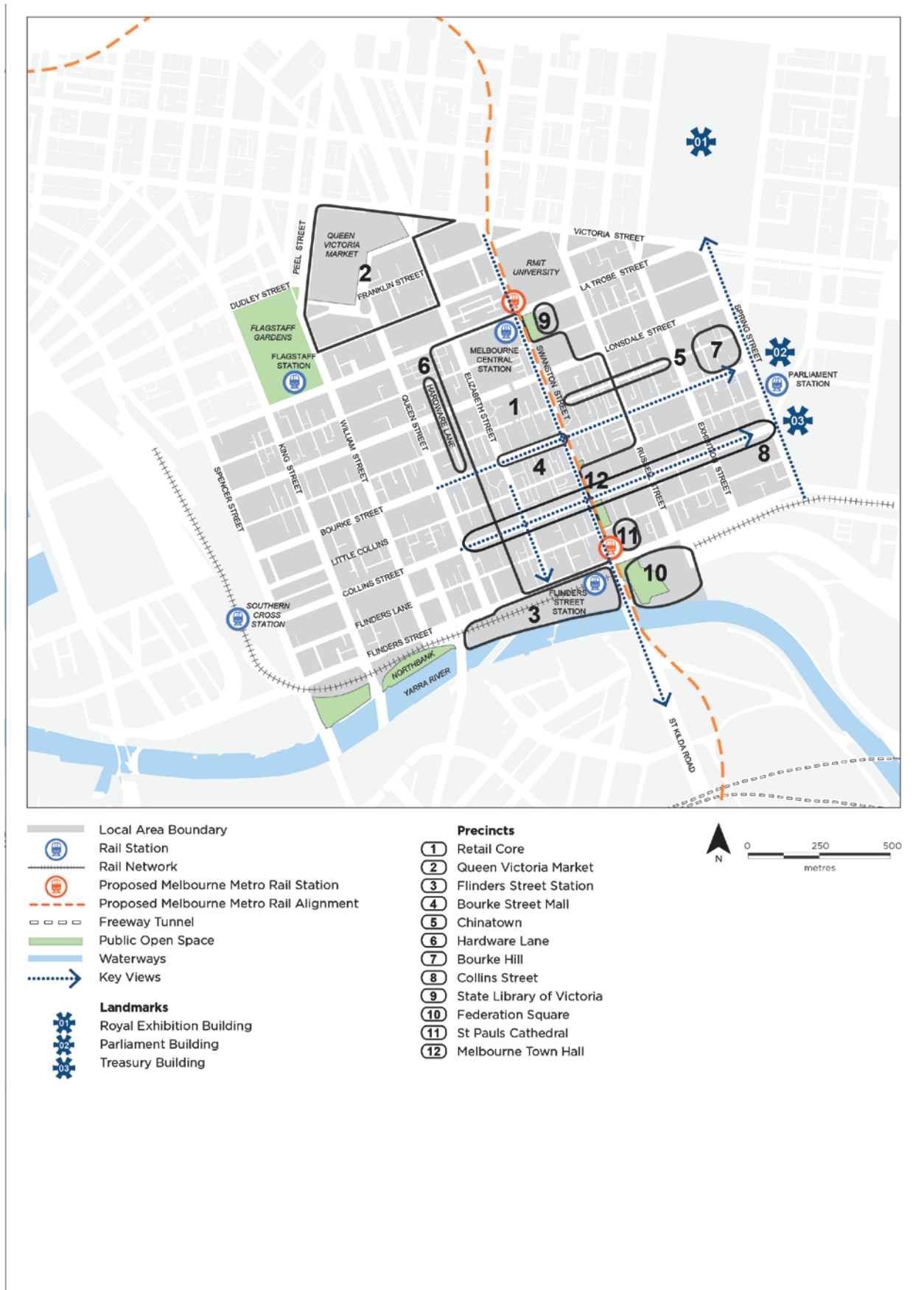
- Ensure tower buildings are well spaced and sited to provide equitable access to an outlook and sunlight for all towers.
- Ensure high quality and robust public space design in arcade and laneway upgrades.
- Link arcades and laneways in the Hoddle Grid.
- Encourage arcade and laneway links between streets and public spaces.
- Ensure development fronting streets creates a continuous building edge and integrated streetscape.
- Ensure that security treatments for shop fronts allow for views into the premises at night and positively contribute to the streetscape.
- Ensure the ground level design of shop fronts on Swanston Street contribute to its role as a pre-eminent retail and lifestyle avenue and entry axis to the Retail Core.
- Ensure sunlight penetration in the middle of the day to key public spaces, appropriate to their role and function.
- Protect the Yarra River and its south bank from overshadowing throughout the year.

### **Transport**

- Ensure that pedestrian use is given priority in the Hoddle Grid.
- Facilitate the development of the Bourke Street Mall as a high quality pedestrian and retail space.
- Ensure that developments provide weather protection along key pedestrian routes and areas, where this does not conflict with building or streetscape integrity.
- Ensure that the design of buildings and public realm in the Hoddle Grid enhances the safety of pedestrians, visitors and occupants of buildings.
- Ensure streets and open space are physically and visually linked to the waterfront, where practicable.
- Develop better links between the south western edge of the Hoddle Grid and the Yarra River.
- Develop better links between the water side entertainment and recreational attractions of the north and south banks of the Yarra.
- Encourage the provision of pedestrian links to the Queen Victoria Market from surrounding areas.



Figure 6: Hoddle Grid



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Proposed C245

## SCHEDULE 11 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO11**

### QUEEN VICTORIA MARKET ENVIRONS

#### Site Description

The development plan overlay applies to the land outlined in red (extent of overlay) in Figure 1 to this Schedule.

#### 1.0 Requirement before a permit is granted

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Proposed C245

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

#### 2.0 Conditions and requirements for permits

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Proposed C245

Any permit issued for the use, subdivision or development of the land must be consistent with the *Queen Victoria Market Precinct Framework Plan 2015* at Figure 1, the Vision in Clause 3.0 of this Schedule and must achieve all of the following design requirements:

- New development should not cast a shadow across the proposed public open space in Figure 1 between 11.00 am and 2.00 pm on 21 June, unless the Responsible Authority considers the overshadowing will not significantly prejudice the amenity of the proposed public open space area.
- New development should not cast any additional shadows across Flagstaff Gardens between 11.00 am and 2.00 pm on 22 September.
- Podiums fronting Therry Street and Queen Street north of Franklin Street should have a minimum podium height of 10 metres and must have a maximum podium height of 20 metres.
- Podiums fronting other streets should have a minimum podium height of 20 metres and must have a maximum podium height of 40 metres.
- All building podiums should:
  - 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 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 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.
- Tower setbacks must be at least:
  - Towers facing New Franklin Street – 10 metres behind the northern masonry facades of the existing sheds (but may cantilever over the rear half of the existing sheds);

- Towers fronting the former alignment of Franklin Street—6 metres from front of podium;
- Towers fronting all other streets – 10 metres from front of podium;
- Side and rear boundaries – 10 metres from side and rear boundaries.
- Towers should be setback a minimum of 24 metres from an existing or likely future tower on an adjoining site(s), and must be set back a minimum of 10 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.
- New development adjoining the proposed public open space shown on Figure 1 and the frontages of Therry Street, Queen Street, the southern side of the New Franklin Street and Peel Street should be designed to be generally acceptable for short term stationary wind exposure (where the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5° wind direction sector must not exceed 13ms<sup>-1</sup>).
- New development adjoining all other public spaces should be designed to be generally acceptable for walking (where the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5° wind direction sector must not exceed 16ms<sup>-1</sup>).
- Buildings to be occupied by a residential use should be designed to limit internal noise levels in habitable rooms to a maximum of 45dB in accordance with relevant Australian Standards for acoustic control.
- Buildings and works should incorporate at least one mid-block publicly accessible pedestrian link where the length of a street block exceeds 100 metres. For street blocks exceeding 200 metres in length, two mid-block publicly accessible pedestrian links should be provided. New publicly accessible pedestrian links should be located to connect to the area's pedestrian network and enhance the pedestrian permeability of the public realm, generally as shown on Figure 1 to this Schedule.
- Where consistent with the heritage significance of existing buildings, continuous weather protection should be provided to the footpaths of Therry Street, Queen Street, Peel Street and to the southern side of the New Franklin Street to promote pedestrian amenity and provide protection from rain, wind and sun.
- An active frontage should be provided to the ground level of buildings fronting Therry Street, Queen Street, the southern side of New Franklin Street and Peel Street, comprising:
  - At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises, or
  - At least 5 metres or 80% of the street frontage (whichever is the greater) as other uses, customer service areas and activities, which provide pedestrian interest and interaction.
- Vehicular ingress and egress to new development (excluding loading and unloading facilities) should not be constructed within a frontage to Therry Street, Queen Street, Peel Street or the southern side of the New Franklin Street, where vehicle access via an alternative frontage is possible.

For the purposes of this Schedule, "podium height" is the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the podium, with the exception of architectural features and building services.

### 3.0 Requirements for development plan

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Proposed C245

A development plan must be generally in accordance with the *Queen Victoria Market Precinct Framework Plan 2015* at Figure 1.

A development plan must be consistent with the following Vision:

- Development contributes to the Melbourne CBD's distinctive character by reinforcing the distinction between the Hoddle Grid and adjoining areas whilst not adversely affecting the heritage significance of the Queen Victoria Market.
- Use and development contributes 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 by creating a taller built form around, and oriented towards, the Queen Victoria Market, which does not overwhelm the public domain and does not adversely affect its heritage significance.
- Solar access to the proposed public open space shown on Figure 1 to this Schedule is protected.
- Development is configured and designed to minimise negative amenity impacts of shadows on the Flagstaff Gardens
- Public spaces are protected from adverse wind impacts so they are comfortable to use for outdoor cafes, window shopping and walking.
- Development respects 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 achieves a high standard of architectural quality and provides a high level of amenity for building occupants.
- Existing numbers of car parks associated with the Queen Victoria Market are relocated and maintained to service the ongoing viability of the Queen Victoria Market.

A development plan must include the following:

- A comprehensive Site and Context Analysis Plan that identifies, among other things, the key attributes of the land, its context, and its relationship with existing and proposed use and development on adjacent land.
- A development concept plan that includes among other things, indicative:
  - Building heights and setbacks;
  - Elevations and cross sections;
  - Building materials and treatments;
  - Shadow diagrams for the hours between 9am and 3pm at the Equinox (22 September);
  - Shadow diagrams for the hours between 11:00am and 2pm at the Winter Solstice (21 June) demonstrating any shadow impacts on the proposed public open space; and
  - The alignment of existing and new roads and pedestrian links.
- A wind effects assessment that demonstrates that wind impacts will not adversely affect the amenity of the public realm.
- An Integrated Transport Plan which assesses the transport, traffic, pedestrian and bicycle access needs of development.

- An Environmental Sustainable Design and Water Sensitive Urban Design Assessment that outlines the initiatives to be included in future development.
- A Heritage Impact Statement that demonstrates that the significance of the Queen Victoria Market will not be adversely affected by new development
- A Staging Plan, where the land is to be developed in stages, which demonstrates interface treatments with adjoining land.
- A planning report that demonstrates how the development plan is consistent with the design requirements and Vision of this Schedule.
- Indicative waste storage and collection points.
- A road management plan which provides details of the alignment, design and finish to new public roads as illustrated on Figure 1 to this Schedule.
- An acoustic assessment demonstrating how noise sensitive uses will be protected from impacts from noise generating uses in the area.
- The existing 720 car parking spaces associated with the Queen Victoria Market located within the proposed public open space and New Franklin Street should be relocated to Parcels A and/or D on Figure 1.
- Where dwellings are proposed on land owned or controlled by the City of Melbourne, consideration should be given to incorporating affordable housing.
- A new community facility that may include a Victoria visitor centre, Queen Victoria Market management facilities, public amenities, Queen Victoria Market-related education facilities, and retail and hospitality uses should be located within Parcel C on Figure 1.

#### 4.0 Decision guidelines

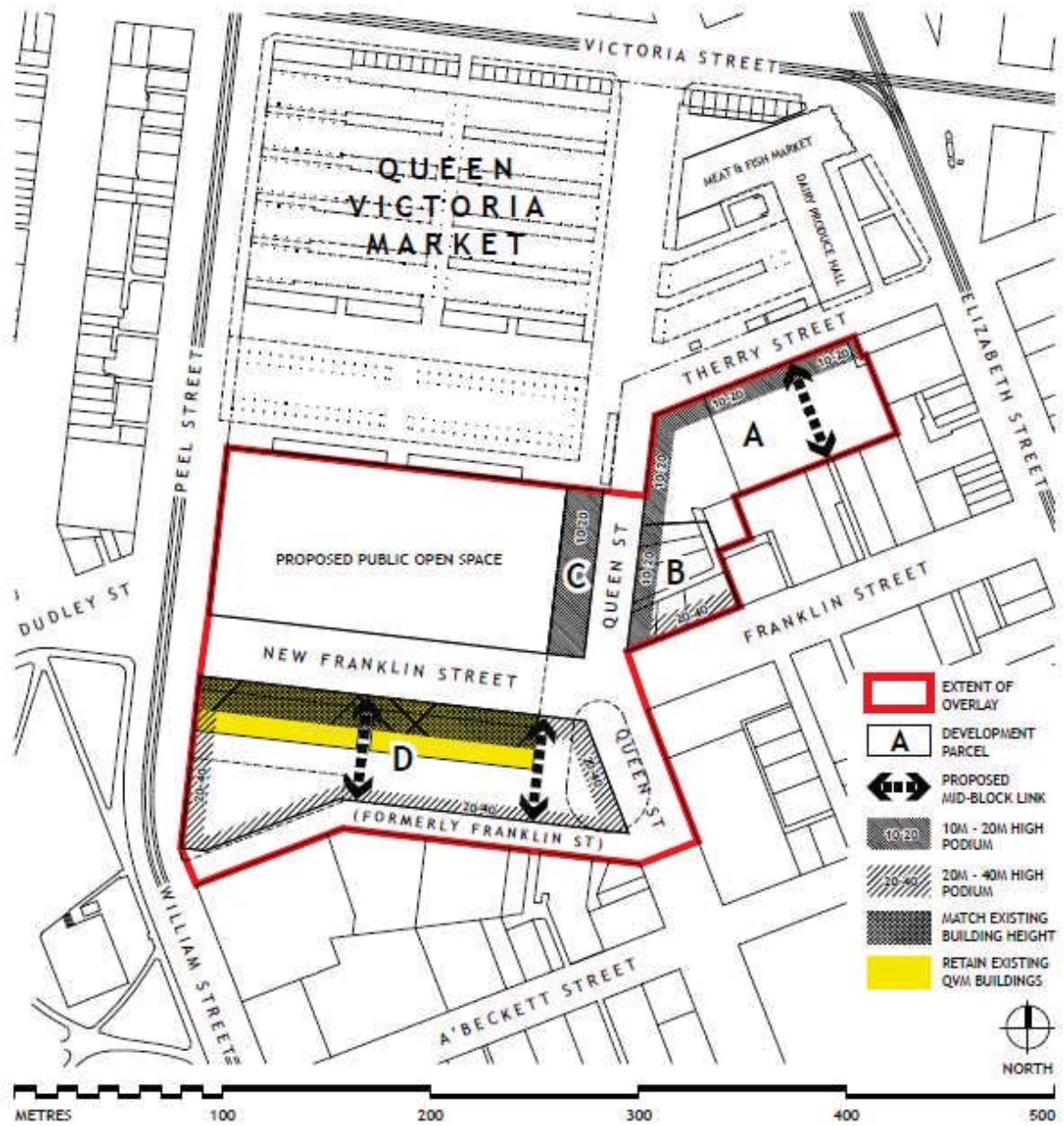
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Proposed C245

Before deciding on a request to approve a development plan or a request to amend a development plan, the Responsible Authority must consider:

- Whether the development plan or amendment is consistent with the objectives in Clause 3.0 of this Schedule, and will achieve the design requirements in Clause 2.0 of this Schedule.
- Clause 65 of the planning scheme.

FIGURE 1: QUEEN VICTORIA MARKET PRECINCT FRAMEWORK PLAN 2015



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Proposed C245

## SCHEDULE 14 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO14**

### QUEEN VICTORIA MARKET AREA

#### 1.0 Design objectives

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Proposed C245

- To ensure that development is suitable to its site context.
- To ensure the height of new buildings does not overwhelm the public domain.
- To allow daylight and sunlight to penetrate to the street and lower building levels.
- To ensure development supports high levels of pedestrian amenity including daylight, sky views, sunlight and protection from wind impacts.
- To ensure that new buildings respect the amenity and future development potential of adjacent sites and allow for an equitable spread of development potential on these sites.
- To ensure that development provides a high level of amenity for building occupants.
- To ensure that the scale and design of new buildings does not adversely affect the significance of the Queen Victoria Market as a historic and cultural landmark.

#### 2.0 Buildings and works

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Proposed C245

Buildings and works should not vary the Requirements specified in Table 1 to this Schedule and must meet the Built Form Outcomes specified in Table 1 to this Schedule.

A permit cannot be granted for buildings and works which do not meet the Requirements specified in Table 2 to this Schedule.

An application must demonstrate to the satisfaction of the Responsible Authority how the development will achieve the Design Objectives and Built Form Outcomes of this Schedule and any local planning policy requirements.

"Podium height" is the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the podium, with the exception of architectural features and building services.

Buildings and works should not cast a shadow across the Queen Victoria Market proposed public open space between 11.00 am and 2.00 pm on 21 June. A permit may only be granted to vary this requirement if the Responsible Authority considers the overshadowing will not significantly prejudice the amenity of the Queen Victoria Market proposed public open space.

New development should not cast any additional shadows across Flagstaff Gardens between 11.00 am and 2.00 pm on 21 June.

Buildings and works should be designed to be generally acceptable for short term stationary wind exposure at street level (where the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5° wind direction sector must not exceed 13ms<sup>-1</sup>). However, if it can be demonstrated that the street frontage or trafficable area is only likely to be used as a thoroughfare for the life of the development, the building interface should be designed to be generally acceptable for walking (where peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5° wind direction sector must not exceed 16ms<sup>-1</sup>).

Buildings and works to be occupied by a residential use should be designed to limit internal noise levels in habitable rooms to a maximum of 45dB in accordance with relevant Australian Standards for acoustic control.

Buildings and works should incorporate at least one mid-block publicly accessible pedestrian link where the length of a street block exceeds 100 metres. For street blocks exceeding 200 metres in length, two mid-block publicly accessible pedestrian links should

be provided. New publicly accessible pedestrian links should be located to connect to the area's pedestrian network and enhance the pedestrian permeability of the public realm.

Where consistent with the heritage significance of existing buildings, continuous weather protection should be provided to the footpaths of all streets to promote pedestrian amenity and provide protection from rain, wind and sun.

An active frontage should be provided to the ground level of buildings fronting Queen Street, Franklin Street, A'Beckett Street and William Street, comprising:

- At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises, or
- At least 5 metres or 80% of the street frontage (whichever is the greater) as other uses, customer service areas and activities, which provide pedestrian interest and interaction.

Vehicular ingress and egress to new development (excluding loading and unloading facilities) should not be constructed within a frontage to Queen Street, Franklin Street, A'Beckett Street or William Street, where vehicle access via an alternative frontage is possible.

### 3.0 No permit required

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Proposed C245

A permit is not required for:

- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are not visible from any street, lane or public place.
- External works to provide disabled access that complies with all legislative requirements.
- Alterations to a building which have been authorised under the Heritage Act 1995 (Vic).
- Buildings and works at the ground level of an existing building, including an extension to the building at ground level, or a new outbuilding at single storey level.
- Buildings and works which do not alter the height or setback of any part of an existing building.

### 4.0 Exemption from notice and review

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Proposed C245

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

### 5.0 Subdivision

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Proposed C245

A permit is not required to subdivide land.

### 6.0 Application requirements

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Proposed C245

An application for permit, other than an application for minor buildings or works as determined by the Responsible Authority, must be accompanied by a comprehensive site analysis and urban context report documenting the key planning influences on the development. The urban context report must identify the development opportunities and constraints, and demonstrate how the development, addresses:

- State Planning Policy Framework and the Local Planning Policy Framework, zone and overlay objectives.
- The Design Objectives, Requirements and Built Form Outcomes of this Schedule.



- Built form and character of adjacent and nearby buildings.
- Heritage character of adjacent and nearby heritage places, and the Queen Victoria Market buildings.
- Microclimate including sunlight, daylight and wind effects on streets and public spaces.
- Energy efficiency and waste management.
- Ground floor and lower level street frontages, including visual impacts and pedestrian safety.
- Public infrastructure, including reticulated services, traffic and car parking impact.

An Application for permit, other than an application for minor buildings or works as determined by the Responsible Authority, must be accompanied by a wind effects assessment which must show how the proposal meets the requirements of Clause 2.0 of this Schedule.

An application for permit to construct a building or to construct or carry out works for a residential use, other than an application for minor buildings or works as determined by the Responsible Authority, must be accompanied by an Acoustic Assessment which must show how the proposal meets the requirements of Clause 2.0 of this Schedule.

## 7.0

### Decision guidelines

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Proposed C245

Before deciding on an application, the Responsible Authority must consider, as appropriate:

- Whether the development achieves the Built Form Outcomes contained in Table 1 and Table 2 of this Schedule.
- Whether the development maintains and enhances the character and amenity of the streetscape.
- The wind effect at ground level of the development as demonstrated by wind effects assessments.
- Whether the cumulative effect of development promotes a public realm which provides a comfortable pedestrian scale, has good daylight and reasonable access to sunlight throughout the year.
- Whether the development provides a high level of amenity for building occupants in relation to sunlight, good daylight, outlook and privacy to all habitable rooms.
- The impact of any overshadowing from the development on the public domain.
- Whether the development minimises loss of sky views from the public domain.
- Whether the development will deliver fine grain built form.

## 8.0 Reference documents

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Proposed C245

- Queen Victoria Market Precinct Renewal Built Form Review & Recommendations, March 2015.

**Table 1 to Schedule 14 of the Design and Development Overlay**

Building design feature	Requirement	Built Form Outcomes
Podium Height	Podiums should have a minimum podium height of 20 metres	<p>Building podiums are designed so that they:</p> <ul style="list-style-type: none"> <li>– are oriented to complement the street system and constructed to the street edge.</li> <li>– are of a scale that provides an appropriate level of street enclosure having regard to the width of the street.</li> <li>– complement adjoining building podiums.</li> <li>– include high quality treatments to side walls where visible above adjoining buildings.</li> <li>– are 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).</li> <li>– are 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.</li> <li>– are able to mitigate wind impacts at street level in accordance with the wind amelioration design standards in clause 2.0 of this Schedule.</li> </ul>
Tower separation	Proposed towers should be setback a minimum of 24 metres from an existing or likely future tower(s) on adjoining site(s)	<p>Towers are designed and spaced to:</p> <ul style="list-style-type: none"> <li>▪ equitably distribute access to an outlook, sunlight between towers and ensure adequate sun penetration at street level.</li> <li>▪ ensure habitable room windows do not directly face one another and that consideration has been given to the development potential of adjoining lots.</li> <li>▪ ensure sunlight, good daylight and privacy and an outlook from habitable rooms for both existing and proposed development can be provided.</li> <li>▪ encourage the reasonable sharing of access to daylight and an outlook, and the mitigation of wind effects.</li> <li>▪ ensure towers do not appear as a continuous wall at street level.</li> </ul>

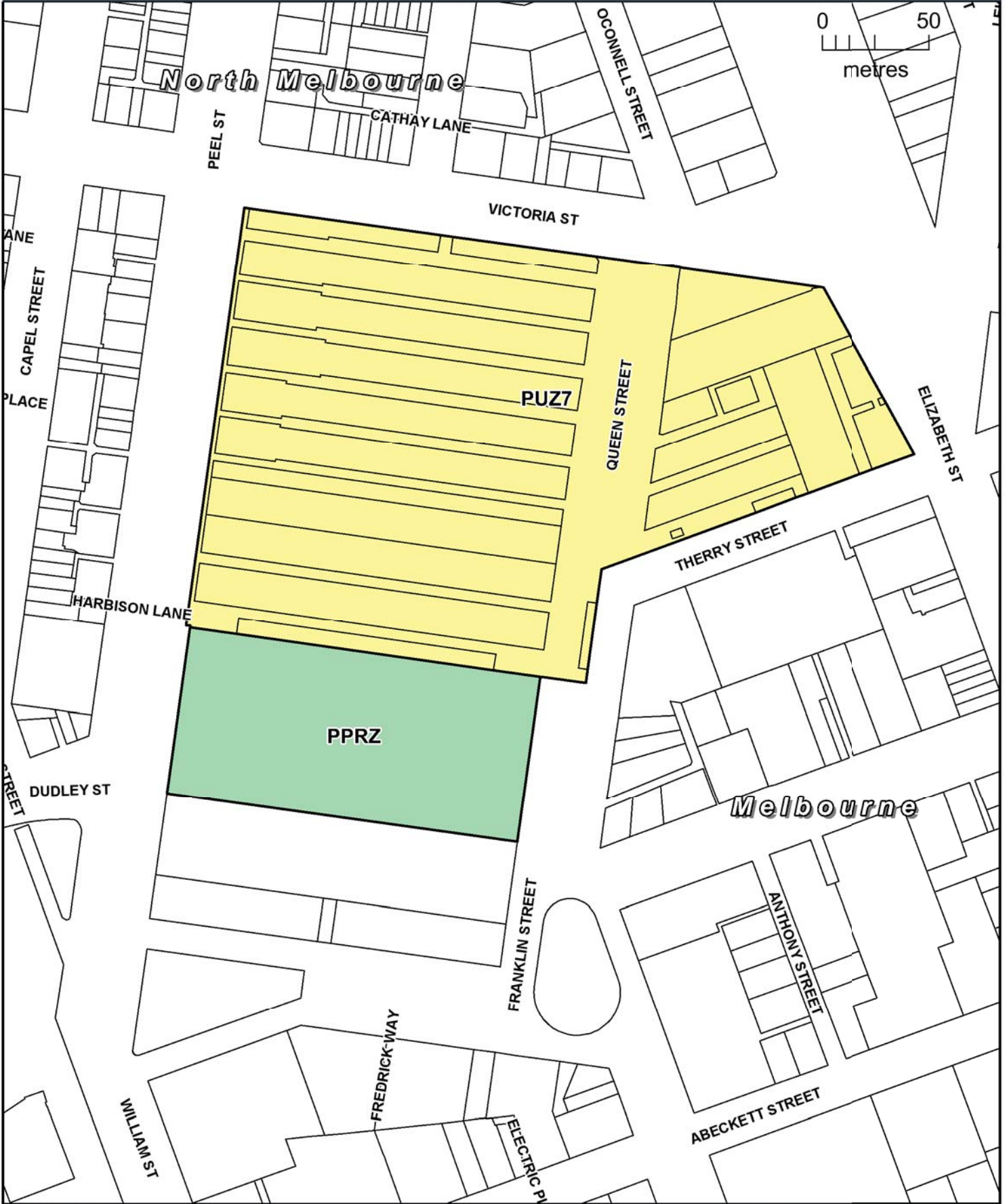
Setbacks	Proposed towers should be setback a minimum of 10 metres from side and rear boundaries	<p>Towers are designed and spaced to:</p> <ul style="list-style-type: none"> <li>▪ equitably distribute access to an outlook, sunlight between towers and ensure adequate sun penetration at street level.</li> <li>▪ ensure habitable room windows do not directly face one another and that consideration has been given to the development potential of adjoining lots.</li> <li>▪ ensure sunlight, good daylight and privacy and an outlook from habitable rooms for both existing and proposed development can be provided.</li> <li>▪ encourage the reasonable sharing of access to daylight and an outlook, and the mitigation of wind effects.</li> <li>▪ ensure towers do not appear as a continuous wall at street level.</li> </ul>
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**Table 2 to Schedule 14 of the Design and Development Overlay**

Building design feature	Requirement	Built Form Outcomes
Podium Height	Podiums must have a maximum podium height of 40 metres	<p>Building podiums are designed so that they:</p> <ul style="list-style-type: none"> <li>– are oriented to complement the street system and constructed to the street edge.</li> <li>– are of a scale that provides an appropriate level of street enclosure having regard to the width of the street.</li> <li>– complement adjoining building podiums.</li> <li>– include high quality treatments to side walls where visible above adjoining buildings.</li> <li>– are 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).</li> <li>– are 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.</li> <li>– are able to mitigate wind impacts at street level in accordance with the wind amelioration design standards in clause 2.0 of this Schedule.</li> </ul>
Tower separation	Proposed towers must be setback a minimum of 10 metres from an	<p>Towers are designed and spaced to:</p> <ul style="list-style-type: none"> <li>▪ equitably distribute access to an outlook, sunlight between towers and ensure adequate sun penetration</li> </ul>

	<p>existing or likely future tower(s) on adjoining site(s).</p>	<p>at street level.</p> <ul style="list-style-type: none"> <li>▪ ensure habitable room windows do not directly face one another and that consideration has been given to the development potential of adjoining lots.</li> <li>▪ ensure sunlight, good daylight and privacy and an outlook from habitable rooms for both existing and proposed development can be provided.</li> <li>▪ encourage the reasonable sharing of access to daylight and an outlook, and the mitigation of wind effects.</li> <li>▪ ensure towers do not appear as a continuous wall at street level.</li> </ul>
<p>Setbacks</p>	<p>Proposed towers must be setback a minimum of 10 metres from the front boundary.</p>	<p>Towers are designed and spaced to:</p> <ul style="list-style-type: none"> <li>▪ equitably distribute access to an outlook, sunlight between towers and ensure adequate sun penetration at street level.</li> <li>▪ ensure habitable room windows do not directly face one another and that consideration has been given to the development potential of adjoining lots.</li> <li>▪ ensure sunlight, good daylight and privacy and an outlook from habitable rooms for both existing and proposed development can be provided.</li> <li>▪ encourage the reasonable sharing of access to daylight and an outlook, and the mitigation of wind effects.</li> <li>▪ ensure towers do not appear as a continuous wall at street level.</li> </ul>

# MELBOURNE PLANNING SCHEME



## LEGEND

- PUZ7 PUBLIC USE ZONE - OTHER PUBLIC USE
- PPRZ PUBLIC PARK AND RECREATION ZONE

Part of Planning Scheme Map 8

# AMENDMENT C245



# MELBOURNE PLANNING SCHEME



**D-DDO14**

*Melbourne*

## LEGEND

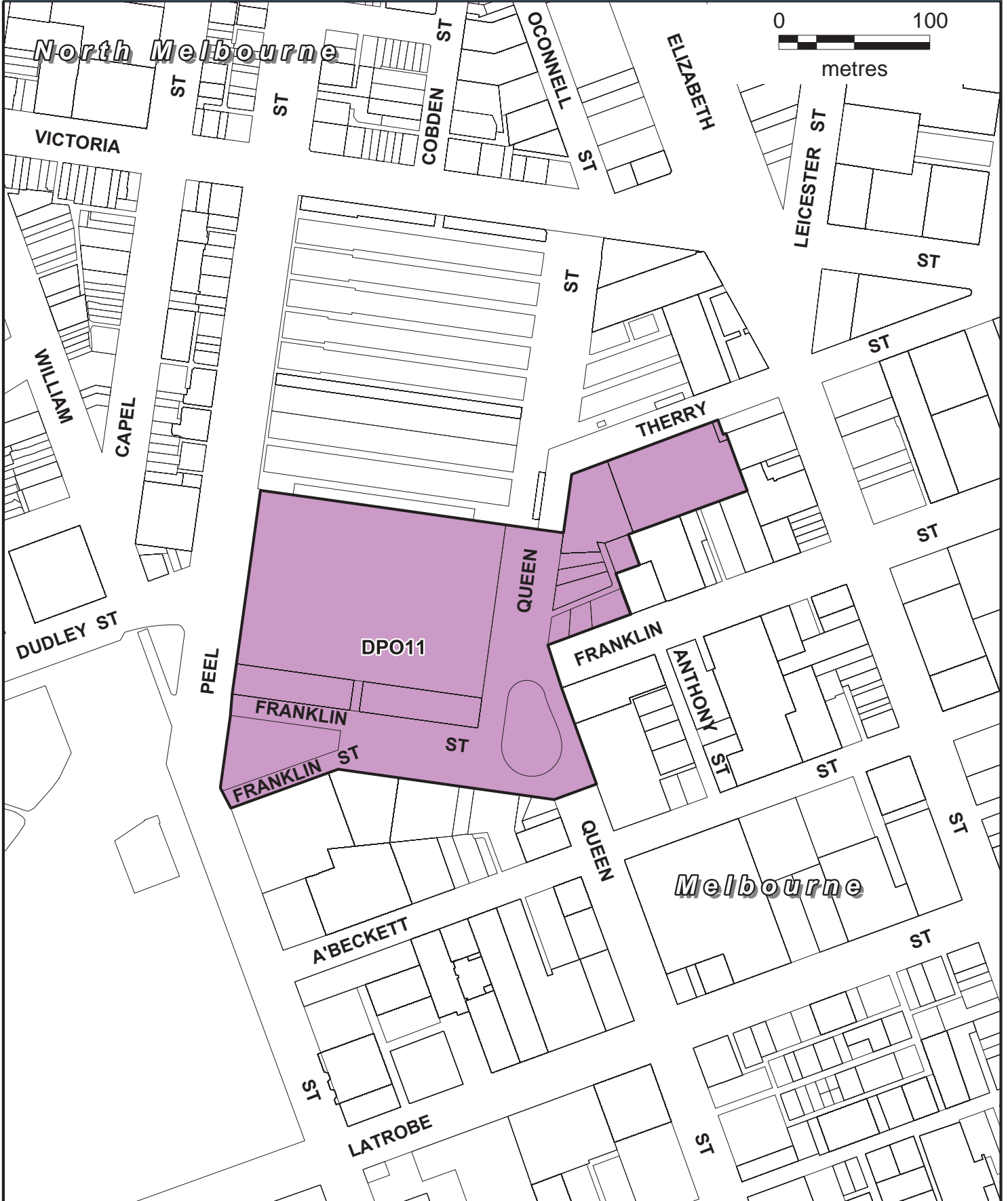
**D-DDO14** AREA TO BE DELETED FROM A DESIGN AND DEVELOPMENT OVERLAY

Part of Planning Scheme Map 8DDO2\_14

# AMENDMENT C245



# MELBOURNE PLANNING SCHEME

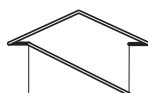


## LEGEND

DPO11 Development Plan Overlay - Schedule 11

Part of Planning Scheme Map 8DPO

# AMENDMENT C245



*Planning and Environment Act 1987*

**MELBOURNE PLANNING SCHEME**

**AMENDMENT C245**

**INSTRUCTION SHEET**

The planning authority for this amendment is the City of Melbourne.

The Melbourne Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 3 attached maps.

***Zoning Maps***

1. Amend Planning Scheme Map No 8 in the manner shown on the 1 attached map marked "Melbourne Planning Scheme, Amendment C245".

***Overlay Maps***

2. Amend Planning Scheme Map No 8DDO 2 &14. in the manner shown on the 1 attached map marked "Melbourne Planning Scheme, Amendment C245".
3. Amend Planning Scheme Map No8DPO in the manner shown on the 1 attached map marked Melbourne Planning Scheme, Amendment C245".

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

4. In Local Planning Policy Framework – replace Clause 21.12 with an amended Clause 21.12 in the form of the attached document.
5. In Local Planning Policy Framework - replace Clause 22.02 with an amended Clause 21.12 in the form of the attached document.
6. In Overlays – Clause 43.02, replace Schedule 14 with a new Schedule 14 in the form of the attached document.
7. In Overlays – Clause 43.04, insert a new Schedule 11 in the form of the attached document.

End of document