
HERITAGE PERMIT

GRANTED UNDER SECTION 102 OF THE
HERITAGE ACT 2017

Permit No: P36779

Applicant:



NAME OF PLACE/OBJECT:

QUEEN VICTORIA MARKET

HERITAGE REGISTER NUMBER:

H0734

LOCATION OF PLACE/OBJECT:

65-159 VICTORIA STREET MELBOURNE, MELBOURNE
CITY

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

- Attachment A - Development Plan Report, Lendlease (2023)
- Attachment B - Landscape Planning Report, Openwork (2023)
- Attachment C - QVM Planning Control Summary Report, Urbis (2023)
- Attachment D - Southern Precinct Design Response, Lendlease (2023)
- Attachment E - Structural Engineering Advice, Robert Bird Group (2023)
- Attachment I - QVM SDS COM FFS Relocation, City of Melbourne (2023)
- QVM SDS Design Package DP.07 Tower 1, 3XN-T1-A-P21-00-00, Rev 03, 3XN (6 June 2023)
- QVM SDS Design Package DP.08 Tower 2, KTA-FS-A-P21-99-00, Rev - KTA (31 June 2023)
- QVM SDS Design Package DP.01 Early Works, NHA-SI-A-P00-99-00, Rev 04, NH Architecture (3 August 2023[sic])
- QVM SDS Design Package DP.03 Market Square, OPW-OA-L-P10-00-00, Rev 02 (25 June 2023)
- QVM SDS Design Package DP.02 Franklin Street Stores, KTA-FS-A-P21-99-00, Rev - KTA (31 June 2023)
- QVM SDS Design Package DP.06 Ground and Overall, NHA-OA-A-P20-00-01, Rev 5, NH Architecture (28 April 2023)
- QVM SDS Design Package DP0.01 Basement Car Park, NHA-BS-A-P20-90-00, Rev 2, NH Architecture (27 April 2023)
- QVM FSS Schedule of Conservation Works, P1 Issue (1), Lovell Chen (7 June 2023)
- Report re wind load impact of the Franklin Street Stores, Windtech (21 November 2023)
- Letter, Robert Bird Group, assessment of Windtech report (22 November 2023)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

GENERAL

1. The permission granted for this permit will expire if one of the following circumstances applies: the permitted works have not commenced within two (2) years of the original date of issue of this permit or are not completed within six (6) years of the original date of issue of this permit. Commencement of the permit begins with onsite physical works.
2. The Executive Director, Heritage Victoria (**Executive Director**) is to be given five working days' notice of the intention to commence the approved works in accordance with the Staging Plan required at condition 14.
3. Should further minor changes in accordance with the intent and approach of the endorsed documentation become necessary, correspondence and supporting documentation must be prepared and lodged in accordance with the permit condition for endorsement by the Executive Director. If the Executive Director considers that the changes are not minor, an amendment to the permit or a new application will be required.
4. Approved works or activities are to be planned and carried out in a manner which prevents damage to the registered place/object. However, if other previously hidden original or inaccessible details of the object or place are uncovered, any works that may affect such items must immediately cease. The Executive Director must be notified of the details immediately to enable Heritage Victoria representatives to inspect and record the items, and for discussion to take place on the possible retention of the items, or the issue of a modified approval.
5. The works approved by this permit must be carried out in their entirety unless otherwise agreed in writing by the Executive Director.
6. The Executive Director must be informed when the approved works have been completed.

ENGAGEMENT OF CONSULTANTS

7. Prior to the commencement of any of the works approved by this permit, a suitably experienced **Archaeology Team** including lead archaeologist and member(s) with a high level of qualifications/expertise in relation to the identification, protection and management of human remains must be approved in writing by the Executive Director. The Lead Archaeologist must advise and assist as necessary with the preparation of the documentation where any intervention or potential intervention of the Old Melbourne Cemetery is proposed and to provide relevant archaeological advice to the permit holder during the carrying out of those works. The Lead Archaeologist must help fulfil conditions 11, 12, 17, 18 and 19 of this permit.
8. Prior to the commencement of any of the works approved by this permit, a suitably experienced **Heritage Consultant**, approved in writing by the Executive Director must be engaged to advise and assist as necessary with the preparation of the documentation where any intervention to fabric within the extent of registration is involved and to provide relevant conservation advice to the permit holder during the carrying out of those works. In particular the heritage conservation consultant must help fulfil conditions 16, 17, 19, 22, 24, 25, 26, and 28.

9. Prior to the commencement of any of the works approved by this permit, a suitably experienced **Engineer** approved in writing by the Executive Director must be engaged to advise and assist as necessary with the preparation of the documentation where any structural intervention to heritage fabric is required and to provide relevant advice to the permit holder during the carrying out of those works. In particular the engineer must help fulfil conditions 17 and 19 of this permit.
10. Prior to the commencement of any of the works approved by this permit, a suitably experienced **Landscape Architect** approved by the Executive Director is to be engaged to prepare the construction ready landscape plan or plans required under conditions 18 and 19.

PRE-START

11. Prior to the commencement of any of the works approved by this permit, an **Archaeological Management Plan (AMP)** must be submitted to, and endorsed by, the Executive Director. The AMP must include (but is not limited to):
 - A relevant place history.
 - Assessment of the site's historical archaeological condition, values and potential.
 - A proposal for the site's archaeological management (which may include monitoring or investigation/excavation).
 - Details relating to site recording; project reporting; artefact management, custodianship and conservation; and site interpretation.
 - Methodology for conducting and monitoring of all subsurface works across the site; avoidance or mitigation of potential impacts on archaeological remains (features, deposits and/or artefacts, including human remains); management of uncovered and/or recovered human remains.
 - A demonstrated understanding of the requirements of relevant legislation — in addition to the *Heritage Act 2017* — which may include exhumation licence(s) under the *Cemeteries and Crematoria Act 2003*; approvals for reburials at a suitable location such as the Pioneer Cemetery at Fawkner Memorial Park; requirements under the *Aboriginal Heritage Act 2006* (including CHMP provisions); and requirements under the *Coroners Act 2008* (specifically Part 4, Division 1).
12. Once endorsed, the works outlined in the AMP must be completed to the satisfaction of the Executive Director. All works are to be in accordance with Heritage Victoria's *Guidelines for Investigating Historical Archaeological Artefacts & Sites*.
13. Prior to the commencement of any of the works approved by this permit an **archival quality photographic survey** is to be prepared to record the Franklin Street Stores and the former waste receiving station. The survey must record the internal and external existing condition of the Franklin Street Stores and the external condition of the former waste receiving station including:
 - Franklin Street Stores**
 - All exterior spaces and details including canopies.
 - All interior spaces and details.
 - Views to and from key vantage points from the north, south, east and west elevations of the

Franklin Street including long and short views. The former waste receiving station should be included in some of these views.

Former waste receiving station

- Photograph of each external elevation and location context.

The survey is to be prepared in accordance with the Heritage Council/Heritage Victoria Technical Note entitled "Specification for the submission of archival photographic records" (available on the Heritage Council website or from Heritage Victoria on request). Two copies of the completed photographic survey are to be produced with one copy submitted to the Executive Director for approval in writing prior to commencement of any of the works approved by this permit. On approval of the first copy the second copy is to be lodged with the State Library of Victoria. Delivery must be made either in person or by proxy to the Library's despatch facility: 174 Little Lonsdale Street Melbourne 3000. Deliveries can be accepted between 7.30am and 4.30pm. A receipt will be issued within 2 business days. If a receipt is required on the same day, then an advance appointment must be made with the Collection Curation & Engagement team by telephone – 03 8664 7000. Two business days notice is required for an appointment. Material will not be accepted at the information desks in the Library.

STAGED WORKS

The works approved by this permit are based on the Development Plan (June 2023) and supporting documents listed in the preamble to this permit, the detail of which is subject to further design. The details contained in the Development Plan documentation may be varied under the conditions that follow. Any changes must be submitted for approval and endorsement by the Executive Director. Once endorsed they will form part of the permit.

14. Prior to the commencement of any of the works approved by this permit, a **Staging Plan** which provides the order in which the approved works will be commenced and completed must be submitted to the Executive Director for approval. Once approved, the Staging Plan will be endorsed and will then form part of the permit. Each stage of the works will require specific approvals from the Executive Director prior to the commencement of the works, as detailed in the conditions that follow. The Executive Director is to be given five working days' notice of the intention to commence each stage of the approved works.

The Staging Plan must include but not be limited to all the works in conditions 15 - 21 of this permit. The staging of works must ensure that the conservation works to the Franklin Street Stores are completed prior to or concurrent with any adaptive or new works to those buildings.

15. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 14, any **enabling works or investigations** which may be required must be documented and submitted for the endorsement of the Executive Director and once endorsed become part of the permit.
16. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 14, a **Heritage Protection Plan** must be submitted to the Executive Director for approval. A Heritage Protection Plan for multiple stages can be provided. Once approved, the Heritage Protection Plan will be endorsed and will then form part of the permit. The Heritage Protection Plan must include a sequencing program for the approved works, details of any temporary infrastructure and services required, protection methods for the heritage

place during the undertaking of the works, a work site layout plan and if necessary a tree/vegetation management and protection plan prepared in accordance with AS4970 *Protection of trees on development sites*. For the relevant stage of works, the Heritage Protection Plan must also include a dilapidation report (including images) for the Franklin Street Stores to record their condition prior to the commencement of works approved by this permit. The Heritage Protection Plan must include the following (as relevant to the stage):

- Site establishment, set-down and staging activities, including no-go areas and elements to be protected during works.
- Details of any temporary signage, hoardings or partitions proposed in and around the buildings during the period of works.
- Details of protection methods proposed to protect key heritage structures/buildings, landscape elements and trees.
- Details of protection methods for the Franklin Street Stores during construction of the basement.
- Details of vibration monitoring for the duration of the construction of Towers One, Two and Three and the Queens Corner Building.
- Demolition methodology and protection works.
- Details of the removal methodology and storage location should temporary relocation of items and fabric including but not limited to the Franklin Street Stores canopy be required.
- Details of how the project workforce will be informed of the sensitivity of working at a heritage place during site induction processes.
- Details of how the project workforce will be informed of the sensitivity of working at the place in relation to the burials beneath the carpark and Franklin Street Stores during site induction processes.
- Notification requirements in the case of unexpected or emergency conditions which may affect a building, feature or archaeology of heritage significance within the site.

17. Prior to the submission of construction ready drawings referred to in condition 19, and at a point sufficient to allow for discussion and potential changes, **detailed design plans** (relating to demolition, conservation, new works, services and signage) documenting the proposed works must be submitted to the Executive Director for approval. Any works or variations which have been required by the Engineer or Building Surveyor must also be identified at this stage. This will reduce the potential for delays following the submission of construction ready drawings required at condition 19. The detailed design plans must address but is not limited to the following items which can be provided at the relevant stage:

- Conservation and new works to the Franklin Street Stores.
- Removal and reinstatement of canopies to the east, west and north elevations including details of retention or like-for like replacement.
- Removal of southern canopy to the Franklin Street Stores.
- Towers One and Two to the extent that they cantilever into the extent of registration and including any wind mitigation requirements. This must include any variations from the Windtech report referred to in the preamble of this permit. Variations should be confined to the towers and not require changes to the Franklin Street Stores.

- Services plans documenting all electrical, hydraulic works and other infrastructure for the affected parts of the heritage place (Franklin Street Stores and Market Square).
- Demolition works proposed for structures including but not limited to the waste receiving station in the carpark.
- Signage including but not limited to tenancy and wayfinding signage. The design of wayfinding signage should be developed having regard for existing or Heritage Victoria approved wayfinding/signage design for other parts of QVM.

18. Prior to the submission of construction ready drawings referred to in condition 19, and at a point sufficient to allow for discussion and potential changes, **landscape plans** must be prepared by the Landscape Architect approved at condition 10 and be submitted to the Executive Director for approval. This will reduce the potential for delays following the submission of construction ready drawings required at condition 19 and must refer but not be limited to Market Square including the shared pathway to the north of Franklin Street Stores, the areas beneath the north, west and east canopies of the Franklin Street Stores and the east west link beneath the south canopy of the Franklin Street Stores. The plans must include:

- All hard and soft landscaping works required in conjunction with the approved works.
- All grading works required in conjunction with the approved works.
- Any design elements such as fencing, steps, seating, planters, shade structures and lighting not addressed in the architectural documentation.
- Any design elements relating to wind mitigation.

19. Prior to the commencement of each stage of works identified in the Staging Plan referred to in condition 14 final **construction ready (marked as such) plans** for the subject stage of works must be submitted to the Executive Director for approval. Once approved, they will be endorsed and will then form part of the permit. Drawings for multiple stages can be provided. The submitted drawings shall be generally in accordance with the documents listed in the permit preamble and reflect any changes agreed at conditions 17 and 18. The construction ready plans must address all demolition, conservation, new works, landscape, services and signage.

To satisfy this condition (where relevant), a report by the Heritage Consultant reviewing the construction ready plans for their compliance with conservation works must be submitted for the approval of the Executive Director.

To satisfy this condition (where relevant), a report by the Lead Archaeologist reviewing the construction ready plans for their compliance with non-disturbance of burials must be submitted for the approval of the Executive Director.

20. Within 18 months of the commencement of works approved by this permit, a **Heritage Interpretation Plan** for the Franklin Street Stores and Market Square must be prepared by a suitably qualified and experienced practitioner and be submitted to the Executive Director for approval. Once approved, it will be endorsed and will then form part of the permit. The works included in the endorsed Heritage Interpretation Plan must be implemented to the satisfaction of the Executive Director within the period of validity of the permit. The Bank Guarantee at condition 23 will be forfeited if the implementation of the endorsed Heritage Interpretation Plan is not completed.

21. Within 18 months of the commencement of works approved by this permit, **Tenancy Design Guidelines** for tenancy fitouts within the Franklin Street Stores must be prepared by a suitably qualified and experienced practitioner with input from the Heritage Consultant endorsed under condition 8 and be submitted to the Executive Director for approval. Once approved, the Guidelines will be endorsed and will then form part of the permit. The Guidelines should address but not be limited to internal and external works as well as outdoor fixtures and furnishings (fixed and loose), lighting and weather protection devices. The Guidelines should also address changes to the louvred windows and roof vents which would impact pressure equalisation. The Guidelines should be completed in consultation with the City of Melbourne.
22. Within one month of endorsement of the Tenancy Design Guidelines at condition 21, these must be submitted to the City of Melbourne and a letter of receipt must be provided to the Executive Director. The letter must confirm that the Guidelines will form part of tenancy leasing agreements associated with the Franklin Street Stores.

BANK GUARANTEES

Conservation

23. Within 12 months of the commencement of any of the works approved by this permit, or prior to commencement of any stage of works associated with the construction of the towers (excluding basement works), whichever comes first, the heritage consultant approved under condition 8 must prepare a costed schedule of conservation works identified as required for the exterior and interior of the Franklin Street Stores for the approval and endorsement by the Executive Director and once endorsed these works become part of the permit and must be completed within the period of validity of the permit. This schedule and drawings must generally be in accordance with 'QVM FSS Schedule of Conservation Works, P1 Issue (1)' (Lovell Chen, 7 June 2023) and 'QVM SDS Design Package DP.02 Franklin Street Stores, KTA-FS-A-P21-99-00, Rev' (KTA, 31 June 2023) listed in the preamble to this permit.
24. Within one month of the Executive Director's endorsement of the costed schedule of conservation works for the Franklin Street Stores under condition 23 and as provided for under s.103 of the Heritage Act 2017, a financial security in the form of an unconditional Bank Guarantee in favour of the Heritage Council of Victoria (ABN 87 967 501 331), is to be lodged with the Executive Director. The period of validity of the Bank Guarantee is to be unspecified. The Bank Guarantee is to ensure the satisfactory completion of all the works required by condition 23 approved by the permit. The amount guaranteed must be equivalent to the cost shown in the approved schedules under condition 15 plus a 20% contingency sum (inclusive of GST). The bank guarantee must set out under the "contract/agreement" that the bank "asks the Principal to accept this bank guarantee ("undertaking") in connection with permit P36779."
25. Following completion of the conservation works required under condition 23, the heritage consultant approved under condition 8 must submit to the Executive Director for their approval, a brief written report confirming that the conservation works have been completed and the extent to which the completed conservation works conformed to good practice in their professional judgement.
26. The Bank Guarantee referred to in condition 23 will be released to its provider following receipt by the Executive Director of a written request by the permit holder, subject to the

completion of all of the conservation works referred to in condition 23 and implementation of the Heritage Interpretation Plan referred to in condition 20 to the satisfaction of the Executive Director and satisfaction of condition 25. The Bank Guarantee will be forfeited to the Heritage Council of Victoria in the event that all of these works are not completed to a satisfactory standard prior to the expiry date of this permit.

Canopy

27. Prior to the commencement of any of the works approved by this permit, the heritage consultant approved under condition 8 must prepare a costed schedule of works relating to reinstatement of the canopy to the north, west and east elevations and partial reinstatement of the canopy to the south elevation of the Franklin Street Stores for the approval and endorsement by the Executive Director. Once endorsed these works become part of the permit and must be completed within the period of validity of the permit.
28. Within one month of the Executive Director's endorsement of the costed scope of canopy works for the Franklin Street Stores under condition 27 and as provided for under s.103 of the *Heritage Act 2017*, a financial security in the form of an unconditional Bank Guarantee in favour of the Heritage Council of Victoria (ABN 87 967 501 331), is to be lodged with the Executive Director. The period of validity of the Bank Guarantee is to be unspecified. The Bank Guarantee is to ensure the satisfactory completion of all of the works required by condition 27 approved by the permit. The amount guaranteed must be equivalent to the cost shown in the approved schedules under condition 27 plus a 20% contingency sum (inclusive of GST). The bank guarantee must set out under the "contract/agreement" that the bank "asks the Principal to accept this bank guarantee ("undertaking") in connection with permit P36779."
29. Following completion of the works required under condition 27, the heritage consultant approved under condition 8 must submit to the Executive Director for their approval, a brief written report confirming that the works have been completed.
30. The Bank Guarantee referred to in condition 27 will be released to its provider following receipt by the Executive Director of a written request by the permit holder, subject to the completion of all of the canopy works referred to in condition 27 to the satisfaction of the Executive Director and satisfaction of condition 29. The Bank Guarantee will be forfeited to the Heritage Council of Victoria in the event that all of these works are not completed to a satisfactory standard prior to the expiry date of this permit.

NOTE THAT PERMISSION HAS BEEN GIVEN FOR INSPECTIONS OF THE PLACE OR OBJECT TO BE UNDERTAKEN DURING THE CARRYING OUT OF WORKS, AND WITHIN SIX (6) MONTHS OF NOTIFICATION OF THEIR COMPLETION.

TAKE NOTICE THAT ANY NATURAL PERSON WHO CARRIES OUT WORKS OR ACTIVITIES NOT IN ACCORDANCE WITH THE PERMIT OR CONDITIONS IS GUILTY OF AN OFFENCE AND LIABLE TO A PENALTY OF 120 PENALTY UNITS (\$22,190.40 FROM 1 JULY 2022) OR IN THE CASE OF A BODY CORPORATE 600 PENALTY UNITS (\$110,952 FROM 1 JULY 2022) UNDER s104 THE HERITAGE ACT 2017.

WORKS UNDERTAKEN WITHOUT A PERMIT OR PERMIT EXEMPTION CAN INCUR A FINE OF UP TO 4800 PENALTY UNITS (\$887,616 FROM 1 JULY 2022) FOR A NATURAL PERSON OR 5

YEARS IMPRISONMENT OR BOTH AND UP TO 9600 PENALTY UNITS (\$1,775,232 FROM 1 JULY 2022) IN THE CASE OF A BODY CORPORATE UNDER SECTION 87 OF THE HERITAGE ACT 2017.

THE ATTENTION OF THE OWNER AND/OR APPLICANT IS DRAWN TO THE NEED TO OBTAIN ALL OTHER RELEVANT PERMITS PRIOR TO THE COMMENCEMENT OF WORKS.

Date Issued:

20 December
2023

**Signed by the Executive Director, Heritage
Victoria**



A handwritten signature in black ink, appearing to read "Steven Avery". The signature is fluid and cursive, with a long horizontal stroke at the bottom.

Steven Avery
Executive Director
Heritage Victoria