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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**--/20--  
C245**Requirement before a permit is granted**

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**--/20--  
C245**Conditions and requirements for permits**

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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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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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

