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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**--/20--
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- 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--/20--
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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⁻¹). 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⁻¹).

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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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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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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A permit is not required to subdivide land.

6.0 Application requirements

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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.

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Decision guidelines

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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- 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"> – are oriented to complement the street system and constructed to the street edge. – are 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. – 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). – 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. – are able to mitigate wind impacts at street level in accordance with the wind amelioration design standards in clause 2.0 of this Schedule.
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"> ▪ equitably distribute access to an outlook, sunlight between towers and 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.

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"> ▪ equitably distribute access to an outlook, sunlight between towers and 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.
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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"> – are oriented to complement the street system and constructed to the street edge. – are 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. – 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). – 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. – are able to mitigate wind impacts at street level in accordance with the wind amelioration design standards in clause 2.0 of this Schedule.
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"> ▪ equitably distribute access to an outlook, sunlight between towers and ensure adequate sun penetration

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