

31/08/2017  
C245**SCHEDULE 11 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

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

**QUEEN VICTORIA MARKET PRECINCT****Site Description**

The development plan overlay applies to the land within the red line of Figure 1.

**1.0 Requirement before a permit is granted**31/08/2017  
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A planning permit may be granted to use, subdivide land or for minor buildings and works to an existing development before a development plan has been prepared to the satisfaction of the responsible authority.

The responsible authority must be satisfied that the grant of a permit will not prejudice the future use or development of the land in an integrated manner.

**2.0 Conditions and requirements for permits**31/08/2017  
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Any permit issued for the use, subdivision or development of the land must be generally in accordance with:

- The approved Development Plan;
- The *Queen Victoria Market Precinct Framework Plan 2017* at Figure 1; and
- The Vision in Clause 3.0.

Any permit issued for the use, subdivision or development of the land must be compliant with the provisions of Table 1.

A permit must not be granted for a development that does not meet the mandatory requirements in Table 1.

A permit application must provide the following:

- **Elevations and Cross-Section Plans** that address and meet (as a minimum) the following design requirements:
- The design of the first 10 metre rise of podiums, and any flanking walls, in Parcel A and B (as shown on Figure 1) should manage the heritage sensitivities in this location, including by the detailed design and treatment of the podium façade directly referencing the Queen Victoria Market opposite and provide an appropriate pedestrian experience.
- 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 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.
- New development should not cast a shadow across the Flagstaff Gardens or the proposed public open space in Figure 1 between 11.00 am and 2.00 pm on 22 June, unless the Responsible Authority considers the overshadowing will not significantly prejudice the amenity of the open space.

- **Site Layout Plans** that address and meet (as a minimum) the following design requirements:
  - For street length blocks that exceed 100 metres in length the provision of at least one mid-block publicly accessible pedestrian link.
  - For street length blocks that exceed 200 metres in length the provision of at least two mid-block publicly accessible pedestrian links.
  - 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.
  - 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.
- **Floor Area Ratio** assessment and report by an independent quantity surveyor.
- **Materials and Finishes Schedule** that outline the specifications of the proposed building materials and finishes.
- **Wind Tunnel Model Study** that addresses and meets (as a minimum) the following design requirements:
  - Demonstrates that new development will not adversely affect the amenity of the public realm.
  - 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 22.5o 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 22.5o wind direction sector must not exceed 16ms<sup>-1</sup>).
- **Acoustic Assessment Report** that addresses and meets (as a minimum) the following design requirements:
  - How noise sensitive uses will be protected from impacts from noise generating uses in the area;
  - 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.
- **Environmental Sustainable Design and Water Sensitive Urban Design Assessment** that outlines the initiatives that are to be included in the proposal.
- **Demolition and Construction Management Plan** that addresses (as a minimum) the following design requirements:
  - Compliance with the City of Melbourne Construction Management Plan Guidelines.
  - Construction vehicle access and traffic management that ensures that the ongoing activities of the Queen Victoria Market are not adversely affected.
  - Public safety and amenity.
  - Air and dust management.

### 3.0 Requirements for development plan

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

The Development Plan must be consistent with the following Vision:

- Development will contribute to the Melbourne CBD's distinctive character by reinforcing the distinction between the Hoddle Grid and Queen Victoria Market.
- Development will preserve and enhance the heritage significance of the Queen Victoria Market.
- Use and development will contribute to safe and activated streets and public spaces via appropriately scaled podiums that incorporate ground floor uses that foster interaction with the street and uses at upper levels that achieve passive surveillance of public spaces.
- Use and development defines and activates the Queen Victoria Market's edge as a special place that does not overwhelm the public domain and does not adversely affect its heritage significance.
- Development will be configured and designed to ensure that appropriate solar access to the proposed public open space shown on Figure 1 and Flagstaff Gardens is provided.
- Development will be configured and designed to minimise the negative amenity impacts of shadows on Flagstaff Gardens.
- Development will provide for public spaces that are protected from adverse wind impacts so they are comfortable to use for outdoor cafes and walking.
- Development will respect the future development potential of adjacent sites including access, privacy, sunlight, daylight and an outlook from habitable interiors and allow for an equitable spread of development potential on these sites.
- Development will achieve a high standard of architectural quality and provide a high level of amenity for building occupants.
- All existing 720 car parking spaces associated with the Queen Victoria Market will be relocated within Parcel A or Parcel D as shown on Figure 1 or within the Queen Victoria Market Precinct area and maintained to service the ongoing viability of the Queen Victoria Market.
- Parcel A will be a new mixed use development complementing the Queen Victoria Market and proposed public open space. This parcel will accommodate fine grain retail, hospitality and community uses, commercial and residential apartments.
- Parcel B will provide a moderating transition to the proposed public open space shown on Figure 1.
- Parcel C will be a new building that will help to activate the new open space, and provide a home for visitor services. The building will be of a modest scale and form, be transparent, be of an excellent standard of design excellence and be sympathetic to its setting.
- Parcel D will be a mixed use development incorporating the Market's old Franklin Street stores. It will have active street frontages to all streets and new public pedestrian links through the block.
- Proposals on land owned or controlled by the City of Melbourne, will give consideration to incorporating affordable housing.

A **Development Plan** submitted for approval to the Responsible Authority must include the following:

- **Urban Context and Existing Conditions Report** that provides (as a minimum);

- Identification of the key attributes of the land, the surrounding and on-site land uses, built form, buildings, the relationships between existing and proposed uses, noise sources, access points and adjoining roads.
- Assessment of the implications of the proposed works on the Old Melbourne Cemetery including details of how any consents issued (and any subsequent conditions) by other agencies have been incorporated into the design and layout of the area.
- **Development Concept Plan** that provides (as a minimum):
  - Building heights and setbacks which achieve the mandatory and discretionary built form and amenity provisions, and the floor area ratios (where applicable), set out in this schedule (including Table 1);
  - Shadow diagrams for the hours between 11:00am and 2pm at 22 June demonstrating any shadow impacts on the proposed public open space and/or the Flagstaff Gardens, as relevant; and
  - The alignment of existing and new roads and pedestrian links.
- **Staging Plan** with indicative detail on the proposed order in which development will proceed, and how interfaces with adjoining land will be treated between stages.
- **Heritage Impact Statement** that demonstrates how the significance of the Queen Victoria Market will be preserved.
- **Planning Report** that demonstrates how the Development Plan is consistent with this Schedule.
- **Transport Management Report** which assesses the transport, traffic, pedestrian and bicycle access needs and impacts of the revised layout, both within and adjacent to the Queen Victoria Market precinct, including, but not limited to;
  - A road management plan which provides details of the alignment, design and finish to new public roads (including the shared zone of the realigned Franklin Street) as illustrated on Figure 1 to this Schedule.
  - Detailed investigation and assessment of the impacts of the proposed revised road layout on surrounding roads, including consideration of the likely impacts of the Metro and West Gate Tunnel projects. This assessment should include the identification of potential mitigation measures where appropriate.
  - Analysis of expected traffic volumes and how this is consistent with a 'shared zone' or localised traffic movements so that the works align with the vision for encouraging pedestrian and cycle activities as outlined in the Queen Victoria Market Masterplan.
  - Details of the design, layout, functionality and management of the realigned Franklin Street and how it would provide for a pedestrian friendly environment and preserve and enhance the heritage values of the Franklin Street Stores.
  - Management of traffic within the revised road layout within the area covered by Amendment C245.
  - How the existing 720 car parking spaces associated with the Queen Victoria Market located within the proposed public open space and New Franklin Street will be accessed and provided within the Queen Victoria Market precinct area.
  - Demonstrates that the revised layout would not have an undue detrimental impact on the vitality and viability of the Queen Victoria Market.
  - Indicative waste storage, servicing and collection points.

Reference documents

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

Queen Victoria Market Precinct Renewal Master Plan, July 2015.

FIGURE 1: QUEEN VICTORIA MARKET PRECINCT FRAMEWORK PLAN 2017

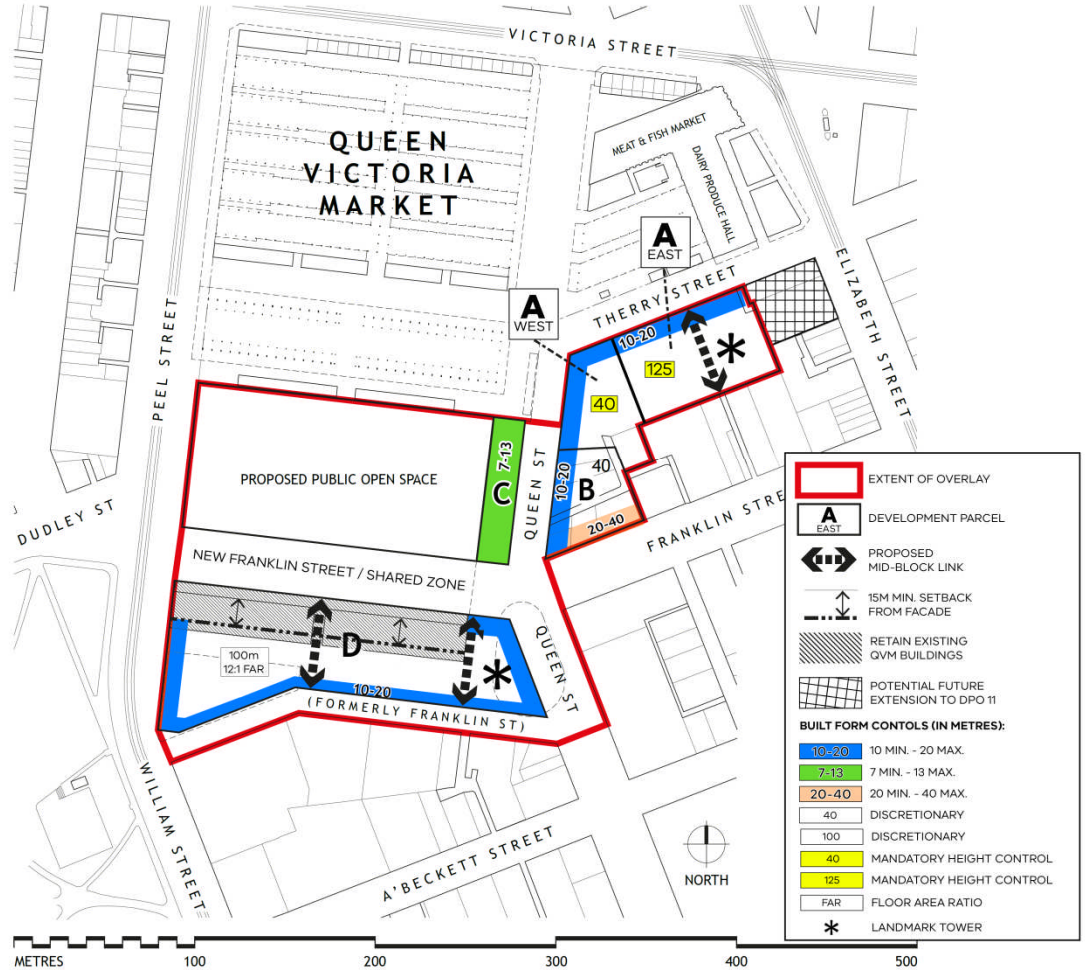


Table 1 to Schedule 11 of the Development Plan Overlay

Built Form	Requirements	Built Form Outcomes	
Podium Height	<b>Discretionary minimum podium heights:</b>	All building podiums should: <ul style="list-style-type: none"> <li>Be oriented to complement the street system and constructed to the street edge.</li> <li>Be 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>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).</li> <li>Be designed to internalise above ground car parking</li> </ul>	
	Podiums fronting Therry Street and Queen Street north of laneway CL1184		10 metres.
	Podiums fronting Queen Street south of laneway CL1184		10 metres.
	Podiums fronting Franklin Street south of the laneway CL1184		20 metres.
	Podiums fronting Little Franklin Street (labelled "Formerly Franklin Street" on		10 metres.

Built Form	Requirements		Built Form Outcomes
	Figure 1), New Franklin Street (as labelled on Figure 1), William Street and Queen Street		<p>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.</p> <ul style="list-style-type: none"> <li>Be able to mitigate wind impacts at street level in accordance with the wind amelioration design standards of this schedule.</li> </ul>
	<b>Mandatory maximum podium heights:</b>		
	Podiums fronting Therry Street and Queen Street north of laneway CL1184	20 metres.	
	Podiums fronting Queen Street south of laneway CL1184	20 metres.	
	Podiums fronting Franklin Street south of the laneway CL1184	40 metres.	
	Podiums fronting Little Franklin Street (labelled "Formerly Franklin Street" on Figure 1), New Franklin Street (as labelled on Figure 1), William Street and Queen Street	20 metres.	
Tower setbacks	<b>Discretionary minimum tower setbacks from front of podium</b>		<p>Towers should be designed and spaced to:</p> <ul style="list-style-type: none"> <li>Equitably distribute access to an outlook, sunlight between towers and to 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>
	Parcel B (as shown on Figure 1) fronting Queen Street	10 metres.	
	<b>Mandatory minimum tower setbacks from front of podium</b>		
	Parcel A (as shown on Figure 1)	10 metres.	
	Parcel B (as shown on Figure 1) fronting Franklin Street	5 metres.	
	Parcel D (as shown on Figure 1) fronting the former alignment of Franklin Street	6 metres.	
	Mandatory minimum tower setback from the northern masonry facades of the existing Franklin Street Stores (Parcel D as shown on Figure 1)	15 metres.	
	Mandatory minimum tower setback from side boundaries and rear boundaries (or from the centre line of an adjoining lane*).	5 metres	
	All other streets	10 metres.	

Built Form	Requirements		Built Form Outcomes
	<p>On Parcel B only (as shown on Figure 1) mandatory minimum tower setback from side boundaries and rear boundaries (or from the centre line of an adjoining lane*) on buildings up to 40 metres in height, where the applicant can demonstrate to the satisfaction of the responsible authority that the reduction will not cause an unreasonable impact on the future development potential or amenity of adjoining sites.</p> <p>* lane means a road reserve of a public highway 9 metres or less wide</p>	0 metres.	
Tower separation	Discretionary minimum tower separation within a site and from existing or approved towers on adjoining sites	24 metres.	<p>Towers should be designed and spaced to:</p> <ul style="list-style-type: none"> <li>▪ Equitably distribute access to an outlook, sunlight between towers and to 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>
	Mandatory minimum tower separation within a site and from existing or approved towers on adjoining sites.	10 metres.	
Building heights and Floor Area Ratios	<b>Mandatory maximum building heights</b>		<ul style="list-style-type: none"> <li>▪ <b>Parcel A:</b> Ensure that development responds appropriately to the new public open space and the public realm.</li> <li>▪ <b>Parcel B:</b> Ensure that development provides a moderating transition to the proposed public open space and the future visitor centre.</li> <li>▪ <b>Parcel C:</b> Ensure that development is of a modest scale and form, is transparent and sympathetic to its setting.</li> <li>▪ <b>Parcel D:</b> Ensure that development responds appropriately to the new public open space and the Franklin Street stores.</li> </ul>
	Parcel A East (as shown on Figure 1)	125 metres.	
	Parcel A West (as shown on Figure 1)	40 metres.	
	Parcel C (as shown on Figure 1)	13 metres.	
	<b>Discretionary building heights**</b>		
	Parcel B (as shown on Figure 1)	40 metres	
	Parcel C (as shown on Figure 1)	7 metres.	
	Parcel D (as shown on Figure 1)	100 metres with a floor area ratio of 12:1	
	New development should not cast a shadow across the Flagstaff Gardens or the proposed public open space in Figure 1 between 11.00 am and 2.00 pm on 22 June, unless the Responsible Authority		

Built Form	Requirements	Built Form Outcomes
	<p>considers the overshadowing will not significantly prejudice the amenity of the open space.</p> <p>**Any application to exceed the discretionary heights must be supported by 3D modelling and an assessment of the visual impact on the proposed public open space shown on Figure 1 to this schedule, Flagstaff Gardens and on the public realm.</p>	

### Definitions

For the purposes of this schedule:

- **Podium height** means 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.
- **Floor Area Ratio** means the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.
- **Total building height** means the vertical distance between the footpath or natural surface level at the highest point of the site frontage and the highest point of the building, with the exception of non-habitable architectural features not more than 3.0 metres in height and building services setback at least 3.0 metres behind the façade.