

## **Design and Development Overlay Schedule 29 - Brunswick Street Shops**

### **1 Objectives**

To ensure development responds to the heritage character and open streetscape of Brunswick Street by supporting:

- A new lower- to mid-rise character (ranging from 4 to 6 storeys) behind a consistent street wall north of Leicester Street and south of Johnston Street;
- The existing low-rise character (ranging from 3 to 4 storeys) and consistent intact street wall between Johnston Street and Leicester Street;
- The existing low-rise character (ranging from 3 to 4 storeys) at the intersections at Johnston Street and Gertrude Street.

To retain view lines to St Patrick's Cathedral and the St Luke's Church and to retain the prominence and integrity of corner heritage buildings, particularly at the Johnston and Gertrude Street intersections.

To ensure development maintains the prominence of the existing low-scale heritage street wall and fine-grain heritage character through recessive upper levels and a façade composition and articulation that complements the Brunswick Street character.

To encourage development design that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Brunswick Street, side streets and public spaces.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

### **2.0 Buildings and works**

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level
- an alteration to an existing building façade provided:
  - the alteration does not include the installation of an external roller shutter
  - in a C1Z, at least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing
  - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager

## 2.1 Definitions

**Heritage building** means any building subject to a Heritage Overlay, on the Victorian Heritage Register or any building graded as either Contributory or Individually Significant.

**Laneway** means a road reserve of a public road 9 metres or less wide.

**Parapet** does not include features such as brackets, pediments, urns, finials or other decorative elements.

**Public realm** means all streets and spaces open to the public but does not include laneways.

**Street wall** means the facade of a building at the street boundary, or if the existing heritage building is set back from the street boundary, the front of the existing building.

**Street wall height** means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge; or in the case of a heritage building, if it is set back from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

**Upper level** means development above the height of the street wall.

**Upper level setback** means the setback of the upper level measured from the street wall of the building.

## 2.2 General Requirements

A permit cannot be granted under this Design and Development Overlay to vary a requirement expressed with the term 'must'.

The requirements below apply to an application to construct a building or construct or carry out works.

## 2.3 Street Wall Height Requirements

Street wall heights must not exceed the heights specified in Maps 1 and 2, as applicable and as stated below, where applicable.

Along Brunswick Street, development should achieve a continuous street wall with no front setback.

Infill development must match the frontage street wall height of an adjoining heritage property for a minimum length of 6 metres along the front boundary, but must not be higher than 11.2 metres where an adjacent heritage street wall is taller.

The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with a transition in height to match the rear interface where required.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street;
- heritage fabric of the return facades of heritage buildings on corner sites.

## **2.4 Upper Level Front and Side Set Back Requirements**

Upper levels above the Brunswick Street street wall must be set back by a minimum of 8 metres.

For development over 16.4 metres, the top most upper level above a heritage building should be set back a further 3.2 metres from the Brunswick Street frontage.

Upper levels above the Johnston Street street wall must be a setbacks minimum of 6 metres.

Upper levels above a side street wall should be set back a minimum of 6 metres.

Upper levels should:

- be visually recessive from Brunswick Street frontages and side streets to ensure development does not overwhelm the heritage buildings and minimise upper level bulk;
- be set back from the street wall below to ensure that upper level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street;
- contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.

Projections such as building services and architectural features (other than shading devices, moldings etc.) and balconies should not intrude into a setback.

Balustrades may intrude into the setback above the street wall.

For heritage buildings, upper level setbacks behind the street wall in excess of the minimum upper level setback should be provided where:

- it would facilitate the retention of a roof form and/or chimneys that are visible from the public realm, or a roof or any feature that the relevant statement of significance identifies as contributing to the significance of the heritage building or streetscape
- it would maintain the perception of the three-dimensional form and depth of the building
- a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along the street.

## **2.5 Overall Building Height Requirements**

Development must not exceed the heights shown on Maps 1 and 2, as applicable.

Architectural features may exceed the building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the height provided that:

- the equipment/structures do not cause additional overshadowing of secluded private open space to residential land, opposite footpaths, kerb outstands etc.; and
- the equipment/structures are no higher than 3.6 metres above the preferred maximum height; and
- occupy less than 50 per cent of the roof area.

**Map 1: Street Wall and Building Heights North of Greeves Street, Fitzroy**



Map 2: Street Wall and Building Heights South of Greeves Street, Fitzroy



## 2.6 Interface Requirements

Development on a rear boundary should not exceed the maximum heights in Table 1.

**Table 1: Rear boundary wall heights**

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
GRZ	11.2m – Where there is an existing laneway 8m – Where there is no laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

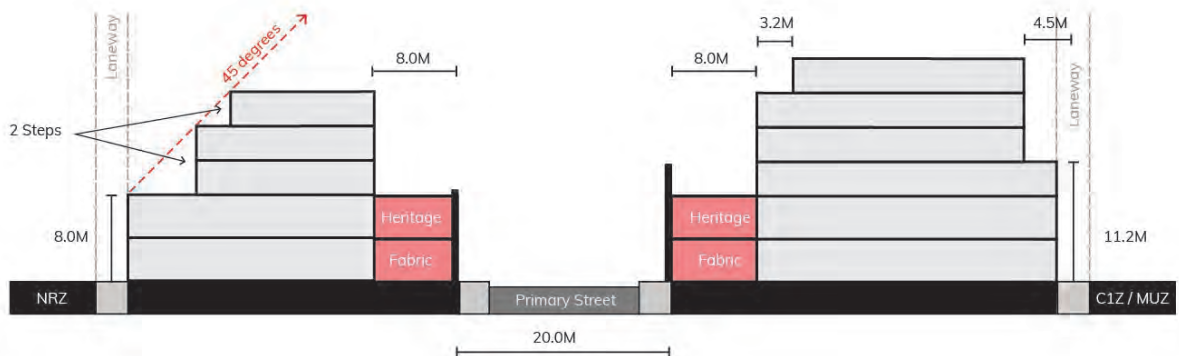
Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45 degree setback envelope. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary, taken from the centre of the boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

**Figure 1: Indicative Cross Section and Measurements**



## 2.7 Overshadowing and Daylight Access

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.

New development must not overshadow:

- the opposite footpath of Brunswick and Johnston Streets and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September; and

- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.

New development should not overshadow properties fronting Kent Street, east side, from the first floor upwards between 10am and 2pm at 22 September.

## **2.8 Common Boundary and Building Separation Requirements**

Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:

- be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony is proposed and/or exists;
- be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window is proposed and/or exists.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Where development consists of multiple buildings and/or separate upper levels, upper level development should:

- be set back a minimum of 9m from each other, where a habitable window or balcony is proposed
- be set back a minimum of 6m from each other where a commercial or non-habitable window is proposed.

## **2.9 Building Layout Requirements**

Internal layout of commercial and residential units should show how they can be adapted over time, including demonstrating how commercial and residential units can be combined or divided without major structural remedial works.

Buildings in the Commercial 1 Zone and Mixed Use Zone should:

- Be designed to accommodate commercial activity at the ground and first floor levels;
- Incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground and first floor level, where heritage elements are not a constraint.

## **2.10 Façade Design Requirements**

Infill development fronting Brunswick Street should achieve a fine-grain, shop front design at ground level that includes elements of:

- a stall riser;
- pilasters;
- a verandah or canopy (where applicable); and
- clerestory window.

Development on streets other than Brunswick Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

Development façades should:

- relate to the vertical and horizontal proportions of the traditional fine-grain, retail shop front character of Brunswick Street;
- create a suitable ratio of solid and void elements;
- create visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, window sills etc.;
- avoid overly busy facades that rely on a multitude of materials and colours;
- maintain existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings;
- avoid highly reflective glazing in openings of heritage buildings;
- encourage the retention of solid built form behind retained heritage facades and avoid balconies behind existing openings;
- be simple and not compete with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site;
- avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts;
- ensure projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) do not intrude into a setback and not dominate the façade.

Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building.

Development should avoid blank walls, including on side street frontages.

Blank side walls in a mid-block location which are visible permanently or temporarily from adjoining residential sites and/or the public realm should be designed to provide visual interest to passing pedestrians through colour, texture or finishes.

### **2.11 Access, parking and loading areas requirements**

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, it should include a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.

Residential and commercial pedestrian entrances should be distinguishable from each other.

The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and ventilated.

Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.

Vehicle access should be achieved from laneways or side streets (in that order to preference).

Car parking should be located within a basement or concealed from the public realm.

Development must not provide additional vehicular access from Brunswick Street.



Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs.

Development with laneway access may require a ground level set back in order to achieve practicable vehicle access. Between ground level and first floor, a headroom clearance of 3.5 meters minimum should be achieved.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3m x 3m splay to facilitate vehicle access.

### **3.0 Subdivision**

None specified.

### **4.0 Advertising**

None specified.

### **5.0 Application Requirements**

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives and requirements of this schedule.
- For development proposals for buildings over 20 metres in height should be accompanied by a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.
- A Traffic Engineering Report prepared by a suitably qualified traffic engineer that demonstrates how the development:
  - minimises impacts on the level of service, safety and amenity of the arterial road network (including tram services),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s, where applicable.

### **6.0 Decision Guidelines**

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the requirements in Clauses 2.2 to 2.11 are met.
- Whether the design of the streetscape interface makes a positive contribution to an active, pedestrian-oriented street environment and/or public realm.
- Whether the design of the development fronting Brunswick Street achieves a fine grain, traditional retail shop front character.
- Whether development retains the prominence of the heritage street wall in the vistas along Brunswick Street.
- Whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Brunswick Street.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.
- Whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street.
- Whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials.
- Whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- The shadowing impacts of the development on opposite footpaths and public spaces are minimised.
- Whether proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the development mitigates negative wind effects.
- The cumulative impact of development on traffic and parking in the nearby area, including on the functionality of laneways.
- Whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian-oriented design outcome.

### **Expiry**

The requirements of this schedule cease to have effect 2 years after publication in the Government Gazette (*Note: Minister to insert date*)

### **Reference Documents**

*Brunswick and Smith Street Built Form Review – Background Analysis Report, 2019*

*Brunswick and Smith Street Built Form Review – Heritage Analysis and Recommendations. 2019*

*Brunswick and Smith Street Built Form Review – Brunswick Street and Town Hall Built Form Framework, 2019*

*Traffic Engineering Assessment – Brunswick Street and Smith Street Activity Centres, 2019*

## Design and Development Overlay Schedule 30 - Smith Street Shops

### 1 Objectives

To ensure development responds to the heritage character and varied streetscape of Smith Street by supporting:

- A new lower- to mid-rise character (ranging from 4 to 6 storeys) behind a consistent street wall north of Stanley and St David Streets and south of Gertrude Street;
- A new mid-rise character (ranging from 3 to 8 storeys) behind a varied heritage street wall between Stanley and St David Streets and Gertrude and Langridge Street.

To retain view lines to the former department stores and the prominence and integrity of corner heritage buildings, particularly at the Johnston Street intersection.

To ensure development maintains the prominence of the existing heritage street wall and fine-gain heritage character through recessive upper levels and a façade composition and articulation that complements the Smith Street character.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Smith Street, side streets and public spaces.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

### 2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level
- an alteration to an existing building façade provided:
  - the alteration does not include the installation of an external roller shutter
  - in a C1Z, at least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing
  - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager

### 2.1 Definitions

**Heritage building** means any building subject to a Heritage Overlay, on the Victorian Heritage Register or any building graded as either Contributory or Individually Significant.

**Laneway** means a road reserve of a public road 9 metres or less wide.

**Parapet** does not include features such as brackets, pediments, urns, finials or other decorative elements.

**Public realm** means all streets and spaces open to the public but does not include laneways.

**Street wall** means the facade of a building at the street boundary, or if the existing heritage building is set back from the street boundary, the front of the existing building.

**Street wall height** means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge; or in the case of a heritage building, if it is set back from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

**Upper level** means development above the height of the street wall.

**Upper level setback** means the setback of the upper level measured from the street wall of the building.

## 2.2 General Requirements

A permit cannot be granted under this Design and Development Overlay to vary a requirement expressed with the term 'must'.

The requirements below apply to an application to construct a building or construct or carry out works.

## 2.3 Street Wall Height Requirements

Street wall heights must not exceed the heights specified in Maps 1 and 2, as applicable and as stated below, where applicable.

Along Smith Street, development should achieve a continuous street wall with no front setback.

Infill development must match the frontage street wall height of an adjoining heritage property for a minimum length of 6 metres along the front boundary, but must not be higher than 11.2 metres where an adjacent heritage street wall is taller.

The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with a transition in height to match the rear interface where required.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street;
- heritage fabric of the return facades of heritage buildings on corner sites.

## 2.4 Upper Level Front and Side Set Back Requirements

Upper levels above the Smith Street street wall must be set back by a minimum of 8 metres.

For development over 16.4 metres, the top most upper level above a heritage building should be set back a further 3.2 metres from the Smith Street frontage.

Upper levels above the Johnston Street street wall must be a setbacks minimum of 6 metres.

Upper levels above a side street wall should be set back a minimum of 6 metres.

Upper levels should:

- be visually recessive from Smith Street frontages and side streets to ensure development does not overwhelm the heritage buildings and minimise upper level bulk;
- be set back from the street wall below to ensure that upper level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street;
- contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.

Projections such as building services and architectural features (other than shading devices, moldings etc.) and balconies should not intrude into a setback.

Balustrades may intrude into the setback above the street wall.

For heritage buildings, upper level setbacks behind the street wall in excess of the minimum upper level setback should be provided where:

- it would facilitate the retention of a roof form and/or chimneys that are visible from the public realm, or a roof or any feature that the relevant statement of significance identifies as contributing to the significance of the heritage building or streetscape
- it would maintain the perception of the three-dimensional form and depth of the building
- a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along the street.

## **2.5 Overall Building Height Requirements**

Development must not exceed the heights shown on Maps 1 and 2, as applicable.

Architectural features may exceed the building height.

Service equipment/structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the height provided that:

- the equipment and/or structures do not cause additional overshadowing of secluded private open space to residential land, opposite footpaths, kerb outstands etc.; and
- the equipment/structures are no higher than 3.6 metres above the preferred maximum height; and
- occupy less than 50 per cent of the roof area.

**Map 1: Street Wall and Building Heights North of Stanley and Moor Streets**



**Map 2: Street Wall and Building Heights South of Stanley and Moor Streets**



## 2.6 Interface Requirements

Development on a rear boundary should not exceed the maximum heights in Table 1.

**Table 1: Rear boundary wall heights**

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
GRZ	11.2m – Where there is an existing laneway 8m – Where there is no laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

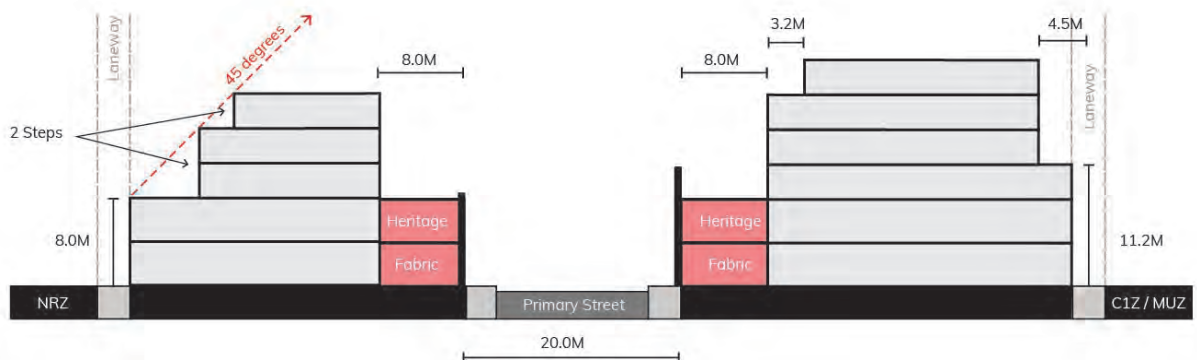
Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45 degree setback envelope. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary, taken from the centre of the boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

**Figure 1: Indicative Cross Section and Measurements**



## 2.7 Overshadowing and Daylight Access

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.

New development must not overshadow:

- the opposite footpath of Smith, Johnston, Gertrude and Langridge Streets and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September; and



- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.

New development should not overshadow properties fronting Bedford, Little Oxford Street and Little Smith Street, from the first floor upwards between 10am and 2pm at 22 September.

## **2.8 Common Boundary and Building Separation Requirements**

Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:

- be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony is proposed and/or exists;
- be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window is proposed and/or exists.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Where development consists of multiple buildings and/or separate upper levels, upper level development should:

- be set back a minimum of 9m from each other, where a habitable window or balcony is proposed
- be set back a minimum of 6m from each other where a commercial or non-habitable window is proposed.

## **2.9 Building Layout Requirements**

Internal layout of commercial and residential units should show how they can be adapted over time, including demonstrating how commercial and residential units can be combined or divided without major structural remedial works.

Buildings in the Commercial 1 Zone should:

- Be designed to accommodate commercial activity at the ground and first floor levels;
- Incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground and first floor level, where heritage elements are not a constraint.

## **2.10 Façade Design Requirements**

Infill development fronting Smith Street should achieve a fine-grain, shop front design at ground level that includes elements of:

- a stall riser;
- pilasters;
- a verandah or canopy (where applicable); and
- clerestory window.

Development on streets other than Smith Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

Development façades should:

- relate to the vertical and horizontal proportions of the traditional fine-grain, retail shop front character of Smith Street;
- create a suitable ratio of solid and void elements;
- create visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, window sills etc.;
- avoid overly busy facades that rely on a multitude of materials and colours;
- maintain existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings;
- avoid highly reflective glazing in openings of heritage buildings;
- encourage the retention of solid built form behind retained heritage facades and avoid balconies behind existing openings;
- be simple and not compete with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site;
- avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts;
- ensure projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) do not intrude into a setback and not dominate the façade.

Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building.

Development should avoid blank walls, including on side street frontages.

Blank side walls in a mid-block location which are visible permanently or temporarily from adjoining residential sites and/or the public realm should be designed to provide visual interest to passing pedestrians through colour, texture or finishes.

### **2.11 Access, parking and loading areas requirements**

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, it should include a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.

Residential and commercial pedestrian entrances should be distinguishable from each other.

The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and ventilated.

Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.

Vehicle access should be achieved from laneways or side streets (in that order to preference).

Car parking should be located within a basement or concealed from the public realm.

Development must not provide additional vehicular access from Smith Street.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs.

Development with laneway access may require a ground level set back in order to achieve practicable vehicle access. Between ground level and first floor, a headroom clearance of 3.5 meters minimum should be achieved.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3m x 3m splay to facilitate vehicle access.

### **3.0 Subdivision**

None specified.

### **4.0 Advertising**

None specified.

### **5.0 Application Requirements**

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives and requirements of this schedule.
- For development proposals for buildings over 20 metres in height should be accompanied by a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.
- A Traffic Engineering Report prepared by a suitably qualified traffic engineer that demonstrates how the development:
  - minimises impacts on the level of service, safety and amenity of the arterial road network (including tram services),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s, where applicable.

## 6.0 Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the requirements in Clauses 2.2 to 2.11 are met.
- Whether the design of the streetscape interface makes a positive contribution to an active, pedestrian-oriented street environment and/or public realm.
- Whether the design of the development fronting Smith Street achieves a fine grain, traditional retail shop front character.
- Whether development retains the prominence of the heritage street wall in the vistas along Smith Street.
- Whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Smith Street.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.
- Whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street.
- Whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials.
- Whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- The shadowing impacts of the development on opposite footpaths and public spaces are minimised.
- Whether proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the development mitigates negative wind effects.
- The cumulative impact of development on traffic and parking in the nearby area, including on the functionality of laneways.
- Whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian-oriented design outcome.

### Expiry

The requirements of this schedule cease to have effect 2 years after publication in the Government Gazette (*Note: Minister to insert date*)

### Reference Documents

*Brunswick and Smith Street Built Form Review – Background Analysis Report, 2019*

*Brunswick and Smith Street Built Form Review – Heritage Analysis and Recommendations. 2019*

*Brunswick and Smith Street Built Form Review – Smith Street Built Form Framework, 2019*

*Traffic Engineering Assessment – Brunswick Street and Smith Street Activity Centres, 2019*

## Design and Development Overlay Schedule 31 - Gertrude Street Shops

### 1 Objectives

To ensure development responds to the heritage character and intact streetscape of Gertrude Street by supporting a low-rise character (ranging from 3 to 4 storeys).

To ensure development retains view lines to the drum, dome, lantern and flagpole of the Royal Exhibition Buildings and respects the prominence and integrity of corner heritage buildings.

To ensure development maintains the prominence of the low-scale heritage street wall and buildings through recessive upper levels and façade composition and articulation that complements the Gertrude Street character.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Gertrude Street, side streets and public spaces.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

### 2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level
- an alteration to an existing building façade provided:
  - the alteration does not include the installation of an external roller shutter
  - in a C1Z, at least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager

### 2.1 Definitions

**Heritage building** means any building subject to a Heritage Overlay, on the Victorian Heritage Register or any building graded as either Contributory or Individually Significant.

**Laneway** means a road reserve of a public road 9 metres or less wide.

**Parapet** does not include features such as brackets, pediments, urns, finials or other decorative elements.

**Public realm** means all streets and spaces open to the public but does not include laneways.

**Street wall** means the facade of a building at the street boundary, or if the existing heritage building is set back from the street boundary, the front of the existing building.

**Street wall height** means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge; or in the case of a heritage building, if it is set back from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

**Upper level** means development above the height of the street wall.

**Upper level setback** means the setback of the upper level measured from the street wall of the building.

## 2.2 General Requirements

A permit cannot be granted under this Design and Development Overlay to vary a requirement expressed with the term 'must'.

The requirements below apply to an application to construct a building or construct or carry out works.

## 2.3 Street Wall Height and Setback Requirements

Street wall heights must not exceed the heights specified in Map 1 and as stated below, where applicable.

Along Gertrude Street, development should achieve a continuous street wall with no front setback.

Infill development must match the frontage street wall height of an adjoining heritage property for a minimum length of 6 metres along the front boundary.

The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with a transition in height to match the rear interface where required.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street;
- heritage fabric of the return facades of heritage buildings on corner sites.

## 2.4 Upper Level Setback Requirements

Upper levels above the Gertrude Street street wall must be set back by:

- a minimum of 10 metres west of Brunswick Street; or
- a minimum of 15 metres between 128 and 134 Gertrude Street, Fitzroy; or
- a minimum of 8 metres in all other areas;

as applicable.

Upper levels above a side street wall should be set back a minimum of 6 metres.

Upper levels should:

- be visually recessive from Gertrude Street frontages and side streets to ensure development does not overwhelm the heritage buildings and minimise upper level bulk;
- be set back from the street wall below to ensure that upper level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street;
- contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.

Projections such as building services and architectural features (other than shading devices, moldings etc.) and balconies should not intrude into a setback.

Balustrades may intrude into the setback above the street wall.

For heritage buildings, upper level setbacks behind the street wall in excess of the minimum upper level setback should be provided where:

- it would facilitate the retention of a roof form and/or chimneys that are visible from the public realm, or a roof or any feature that the relevant statement of significance identifies as contributing to the significance of the heritage building or streetscape
- it would maintain the perception of the three-dimensional form and depth of the building
- a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along the street.

## **2.5 Building Height Requirements**

Development must not exceed the heights shown on Map 1.

Architectural features may exceed the building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the height provided that:

- the equipment/structures do not cause additional overshadowing of secluded private open space to residential land, opposite footpaths, kerb outstands etc.; and
- the equipment/structures are no higher than 3.6 metres above the preferred maximum height; and
- occupy less than 50 per cent of the roof area.

## Map 1: Street Wall Heights and Building Heights



## 2.6 Interface Requirements

Development on a rear boundary should not exceed the maximum heights in Table 1.

**Table 1: Rear boundary wall heights**

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
GRZ	11.2m – Where there is an existing laneway 8m – Where there is no laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45 degree setback envelope. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary, taken from the centre of the boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

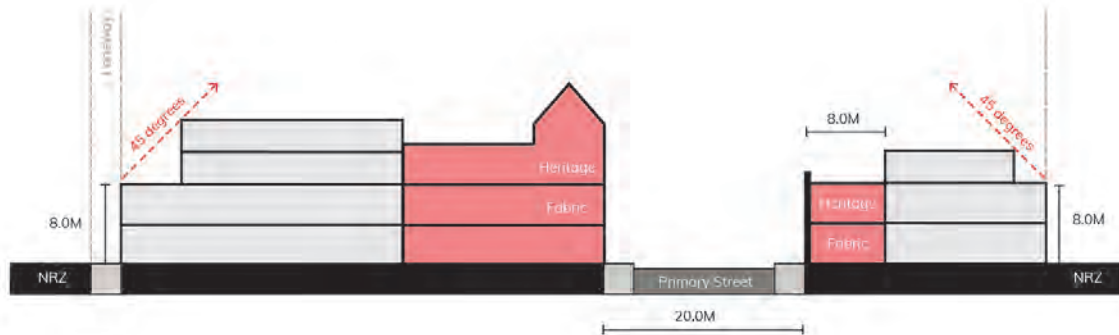
Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.



Development should not visually dominate adjoining residential sites, including where separated by a laneway.

**Figure 1: Indicative Cross Section and Measurements**



## 2.7 Overshadowing

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.

New development must not overshadow:

- the opposite footpath of Gertrude and Brunswick Streets and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September; and
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.

## 2.8 Building Separation Requirements

Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:

- be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony is proposed and/or exists;
- be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window is proposed and/or exists.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Where development consists of multiple buildings and/or separate upper levels, upper level development should:

- be set back a minimum of 9m from each other, where a habitable window or balcony is proposed
- be set back a minimum of 6m from each other where a commercial or non-habitable window is proposed.

## 2.9 Building Layout Requirements

Internal layout of commercial and residential units should show how they can be adapted over time, including demonstrating how commercial and residential units can be combined or divided without major structural remedial works.

Buildings in the Commercial 1 Zone should:

- Be designed to accommodate commercial activity at the ground floor level;
- Incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground floor level, where heritage elements are not a constraint.

## 2.10 Façade Design Requirements

Infill development fronting Gertrude Street should achieve a fine-grain, shop front design at ground level that includes elements of:

- a stall riser;
- pilasters;
- a verandah or canopy (where applicable); and
- clerestory window.

Development on streets other than Gertrude Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

Development façades should:

- relate to the vertical and horizontal proportions of the traditional fine-grain, retail shop front character of Gertrude Street;
- create a suitable ratio of solid and void elements;
- create visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, window sills etc.;
- avoid overly busy facades that rely on a multitude of materials and colours;
- maintain existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings;
- avoid highly reflective glazing in openings of heritage buildings;
- encourage the retention of solid built form behind retained heritage facades and avoid balconies behind existing openings;
- be simple and not compete with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site;
- avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts;
- ensure projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) do not intrude into a setback and not dominate the façade.

Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building.

Development should avoid blank walls, including on side street frontages.

Blank side walls in a mid-block location which are visible permanently or temporarily from adjoining residential sites and/or the public realm should be designed to provide visual interest to passing pedestrians through colour, texture or finishes.

### **2.11 Access, parking and loading areas requirements**

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, it should include a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.

Residential and commercial pedestrian entrances should be distinguishable from each other.

The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and ventilated.

Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.

Vehicle access should be achieved from laneways or side streets (in that order to preference).

Car parking should be located within a basement or concealed from the public realm.

Development must not provide additional vehicular access from Gertrude Street.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs.

Development with laneway access may require a ground level set back in order to achieve practicable vehicle access. Between ground level and first floor, a headroom clearance of 3.5 meters minimum should be achieved.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3m x 3m splay to facilitate vehicle access.

### **3.0 Subdivision**

None specified.

### **4.0 Advertising**

None specified.

## 5.0 Application Requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives and requirements of this schedule.
- For development proposals for buildings over 20 metres in height should be accompanied by a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.
- A Traffic Engineering Report prepared by a suitably qualified traffic engineer that demonstrates how the development:
  - minimises impacts on the level of service, safety and amenity of the arterial road network (including tram services),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s, where applicable.

## 6.0 Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the requirements in Clauses 2.2 to 2.11 are met.
- Whether the design of the streetscape interface makes a positive contribution to an active, pedestrian-oriented street environment and/or public realm.
- Whether the design of development fronting Gertrude Street achieves a fine-grain retail shop front character and façade design as per Clause 2.10.
- Whether development retains the prominence of the heritage street wall in the vistas along Gertrude Street.
- Whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Gertrude Street.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.
- Whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street.
- Whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials.
- Whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- The shadowing impacts of the development on opposite footpaths and public spaces are minimised.

- Whether proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the development mitigates negative wind effects.
- The cumulative impact of development on traffic and parking in the nearby area, including on the functionality of laneways.
- Whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian-oriented design outcome.

### **Expiry**

The requirements of this schedule cease to have effect 2 years after publication in the Government Gazette (*Note: Minister to insert date*)

### **Reference Documents**

*Brunswick and Smith Street Built Form Review – Background Analysis Report, 2019*

*Brunswick and Smith Street Built Form Review – Heritage Analysis and Recommendations. 2019*

*Brunswick and Smith Street Built Form Review – Gertrude Street Built Form Framework, 2019*

*Traffic Engineering Assessment – Brunswick Street and Smith Street Activity Centres, 2019*

## Design and Development Overlay Schedule 32 - Johnston Street West

### 1 Objectives

To ensure development responds to the varied character and open streetscape of Johnston Street by supporting:

- A new mid-rise character (ranging from 4 to 9 storeys) behind a new street wall along the north side of Johnston Street;
- A mid-rise character (ranging from 4 to 8 storeys) behind a low, consistent heritage street wall on the south side of Johnston Street.

To ensure development creates a new mid-rise character (ranging from 6 to 9 storeys) along Nicholson Street that is set behind a robust street wall and transitions down towards Johnston Place and the former Avon Butter Factory.

To ensure development respects the lower-scale street wall through recessive upper levels and façade composition and articulation that complements the heritage character of the street.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Johnston Street and properties fronting Victoria Street.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

### 2 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level
- an alteration to an existing building façade provided:
  - the alteration does not include the installation of an external roller shutter
  - in a C1Z, at least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing
  - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager

#### 2.1 Definitions

**Heritage building** means any building subject to a Heritage Overlay, on the Victorian Heritage Register or any building graded as either Contributory or Individually Significant.

**Laneway** means a road reserve of a public road 9 metres or less wide.

**Parapet** does not include features such as brackets, pediments, urns, finials or other decorative elements.

**Public realm** means all streets and spaces open to the public but does not include laneways.

**Street wall** means the facade of a building at the street boundary, or if the existing heritage building is set back from the street boundary, the front of the existing building.

**Street wall height** means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge; or in the case of a heritage building, if it is set back from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

**Upper level** means development above the height of the street wall.

**Upper level setback** means the setback of the upper level measured from the street wall of the building.

## 2.2 General Requirements

A permit cannot be granted under this Design and Development Overlay to vary a requirement expressed with the term 'must'.

The requirements below apply to an application to construct a building or construct or carry out works.

## 2.3 Street Wall Height Requirements

Street wall heights must not exceed the heights specified in Map 1 and as stated below, where applicable.

Towards Johnston and Nicholson Street, development should achieve a continuous street wall with no front setback.

Infill development must match the frontage street wall height of an adjoining heritage property for a minimum length of 6 metres along the front boundary.

The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with a transition in height to match the rear interface where required.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street;
- heritage fabric of the return facades of heritage buildings on corner sites.

## 2.4 Upper Level Front and Side Set Back Requirements

Upper levels above the Johnston and Nicholson Street street wall must be set back by a minimum of 6 metres.

Upper level setbacks above a side street wall should be a minimum of 3 metres.

Within a heritage overlay, the top most level of development over 5 storeys should be set back a further 3.2 metre from the main street frontage, measured from the level below.

Upper levels should:

- be visually recessive from Johnston Street frontages and side streets to ensure development does not overwhelm the heritage buildings and minimise upper level bulk;
- be set back from the street wall below to ensure that upper level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street;
- contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.

Projections such as building services and architectural features (other than shading devices, moldings etc.) and balconies should not intrude into a setback.

Balustrades may intrude into the setback above the street wall.

For heritage buildings, upper level setbacks behind the street wall in excess of the minimum upper level setback should be provided where:

- it would facilitate the retention of a roof form and/or chimneys that are visible from the public realm, or a roof or any feature that the relevant statement of significance identifies as contributing to the significance of the heritage building or streetscape
- it would maintain the perception of the three-dimensional form and depth of the building
- a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along the street.

## **2.5 Overall Building Height Requirements**

Development must not exceed the heights shown on Map 1.

Architectural features may exceed the building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the height provided that:

- the equipment/structures do not cause additional overshadowing of secluded private open space to residential land, opposite footpaths, kerb outstands etc.; and
- the equipment/structures are no higher than 3.6 metres above the preferred maximum height; and
- occupy less than 50 per cent of the roof area.



**Map 1: Street Wall and Building Heights**



**2.6 Interface Requirements**

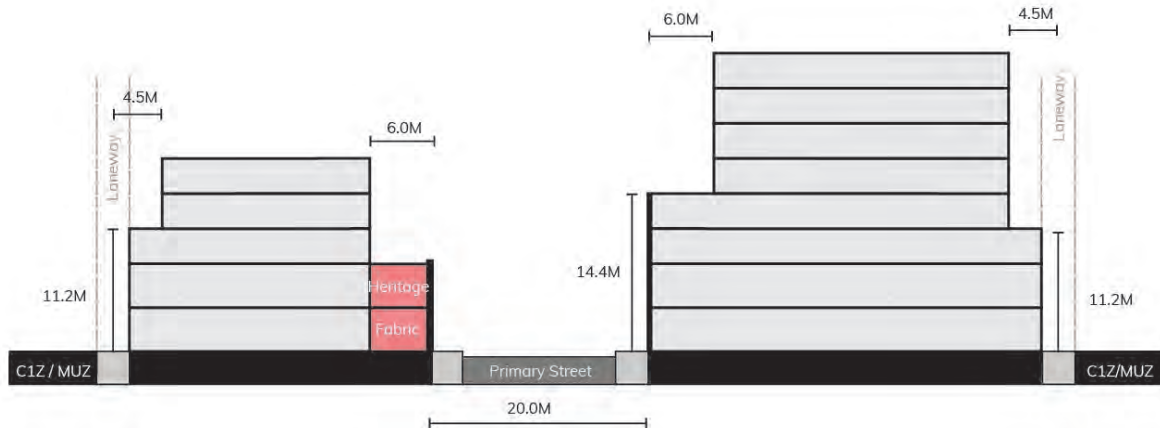
Development on a rear boundary should not exceed 11.2 meters.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

**Figure 1: Indicative Cross Sections and Measurements**



## 2.7 Overshadowing and Daylight Access

New development must not overshadow:

- the opposite footpath of Johnston Streets and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September; and
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.

New development should not overshadow properties on the south side of the laneway between Johnston and Victoria Street and/or properties on the east side of Johnston Place, from the first floor upwards between 10am and 2pm at 22 September.

## 2.8 Common Boundary and Building Separation Requirements

Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:

- be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony is proposed and/or exists;
- be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window is proposed and/or exists.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Where development consists of multiple buildings and/or separate upper levels, upper level development should:

- be set back a minimum of 9m from each other, where a habitable window or balcony is proposed
- be set back a minimum of 6m from each other where a commercial or non-habitable window is proposed.

## 2.9 Building Layout Requirements

Internal layout of commercial and residential units should show how they can be adapted over time, including demonstrating how commercial and residential units can be combined or divided without major structural remedial works.

Buildings in the Commercial 1 Zone and Mixed Use Zone should:

- Be designed to accommodate commercial activity at the ground floor level;
- Incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground floor level, where heritage elements are not a constraint.

## 2.10 Façade Design Requirements

Infill development fronting Johnston Street should achieve a fine-grain, shop front design at ground level that includes elements of:

- a stall riser;
- pilasters;
- a verandah or canopy (where applicable); and
- clerestory window.

Development fronting Nicholson Street should achieve a commercial character at ground level.

Development should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

Development façades should:

- relate to the vertical and horizontal proportions of the traditional fine-grain, retail shop front character of Johnston Street;
- create a suitable ratio of solid and void elements;
- create visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, window sills etc.;
- avoid overly busy facades that rely on a multitude of materials and colours;
- maintain existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings;
- avoid highly reflective glazing in openings of heritage buildings;
- encourage the retention of solid built form behind retained heritage facades and avoid balconies behind existing openings;
- be simple and not compete with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site;
- avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts;
- ensure projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) do not intrude into a setback and not dominate the façade.

Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building.

Development should avoid blank walls, including on side street frontages.

Blank side walls in a mid-block location which are visible permanently or temporarily from adjoining residential sites and/or the public realm should be designed to provide visual interest to passing pedestrians through colour, texture or finishes.

### **2.11 Access, parking and loading areas requirements**

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, it should include a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.

Residential and commercial pedestrian entrances should be distinguishable from each other.

The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and ventilated.

Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.

Vehicle access should be achieved from laneways or side streets (in that order to preference).

Car parking should be located within a basement or concealed from the public realm.

Development must not provide additional vehicular access from Johnston Street.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs.

Development with laneway access may require a ground level set back in order to achieve practicable vehicle access. Between ground level and first floor, a headroom clearance of 3.5 meters minimum should be achieved.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3m x 3m splay to facilitate vehicle access.

### **3.0 Subdivision**

None specified.

### **4.0 Advertising**

None specified.

## 5.0 Application Requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives and requirements of this schedule.
- For development proposals for buildings over 20 metres in height should be accompanied by a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.
- A Traffic Engineering Report prepared by a suitably qualified traffic engineer that demonstrates how the development:
  - minimises impacts on the level of service, safety and amenity of the arterial road network (including tram services),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s, where applicable.

## 6.0 Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the requirements in Clauses 2.2 to 2.11 are met.
- Whether the design of the streetscape interface makes a positive contribution to an active, pedestrian-oriented street environment and/or public realm.
- Whether the design of development fronting Johnston Street achieves a fine-grain retail shop front character.
- Whether the design of development fronting Nicholson Street achieves a commercial character.
- Whether development retains the prominence of the heritage street wall in the vistas along Johnston Street.
- Whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Johnston Street.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.
- Whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street.
- Whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials.
- Whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.

- The shadowing impacts of the development on opposite footpaths and public spaces are minimised.
- Whether proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the development mitigates negative wind effects.
- The cumulative impact of development on traffic and parking in the nearby area, including on the functionality of laneways.
- Whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian-oriented design outcome.

### **Expiry**

The requirements of this schedule cease to have effect 2 years after publication in the Government Gazette (*Note: Minister to insert date*)

### **Reference Documents**

*Brunswick and Smith Street Built Form Review – Background Analysis Report, 2019*

*Brunswick and Smith Street Built Form Review – Heritage Analysis and Recommendations. 2019*

*Brunswick and Smith Street Built Form Review – Johnston Street Built Form Framework, 2019*

*Traffic Engineering Assessment – Brunswick Street and Smith Street Activity Centres, 2019*

## Design and Development Overlay Schedule 33 - Brunswick Street Grand Residential

### 1 Objectives

To ensure development responds to the heritage character and open streetscape of Brunswick Street by supporting:

- The retention of the low-rise character (generally up to 4 storeys) along the west side of Brunswick Street with development being located behind the heritage buildings;
- A low-rise character (up to 4 storeys) along the east side of Brunswick Street behind the low, varied street wall.

To retain view lines to St Patrick's Cathedral and the St Luke's Church and the prominence of the 'grand' residential heritage buildings on the west side of Brunswick Street.

To ensure development maintains the varied heritage street wall and buildings on the east side through recessive upper levels and façade composition and articulation that complements the Brunswick Street character.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Brunswick Street, side streets and public spaces.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

### 2 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level
- an alteration to an existing building façade provided:
  - the alteration does not include the installation of an external roller shutter
  - the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager

#### 2.1 Definitions

**Heritage building** means any building subject to a Heritage Overlay, on the Victorian Heritage Register or any building graded as either Contributory or Individually Significant.

**Laneway** means a road reserve of a public road 9 metres or less wide.

**Parapet** does not include features such as brackets, pediments, urns, finials or other decorative elements.

**Public realm** means all streets and spaces open to the public but does not include laneways.

**Street wall** means the facade of a building at the street boundary, or if the existing heritage building is set back from the street boundary, the front of the existing building.

**Street wall height** means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge; or in the case of a heritage building, if it is set back from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

**Upper level** means development above the height of the street wall.

**Upper level setback** means the setback of the upper level measured from the street wall of the building.

## 2.2 General Requirements

A permit cannot be granted under this Design and Development Overlay to vary a requirement expressed with the term 'must'.

The requirements below apply to an application to construct a building or construct or carry out works.

## 2.3 Street Wall Height Requirements

Street wall heights must not exceed the heights specified in Map 1 and as stated below, where applicable.

Along Brunswick Street, development should achieve a continuous street wall with no front setback, unless a front setback exists and the site is within a heritage overlay.

Infill development must match the frontage street wall height of an adjoining heritage property for a minimum length of 6 metres along the front boundary.

The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with a transition in height to match the rear interface where required.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street;
- heritage fabric of the return facades of heritage buildings on corner sites.

## 2.4 Upper Level Front and Side Set Back Requirements

Upper levels above the eastern Brunswick Street street wall must be set back by a minimum of 8 metres.

Upper levels above the western Brunswick Street street wall must be set back behind the existing heritage building as indicated on Map 1.



Upper levels should:

- be visually recessive from main frontages and side streets to minimise upper level bulk
- avoid repetitive steps in the built form and consolidate set backs to a maximum of 2 steps
- provide setbacks to ensure that upper level additions seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street.

Projections such as building services and architectural features (other than shading devices, moldings etc.) and balconies should not intrude into a setback.

## **2.5 Overall Building Height Requirements**

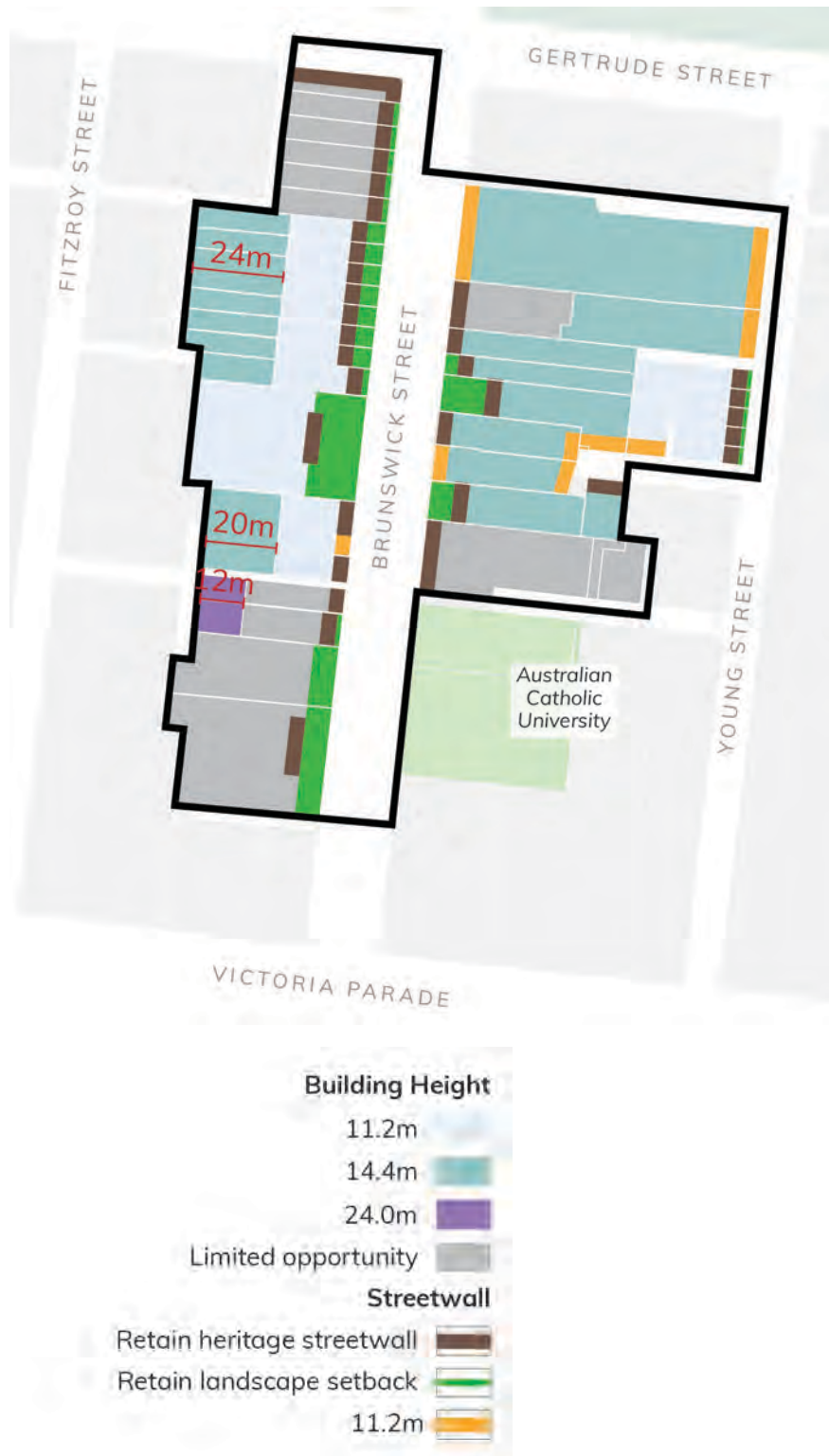
Development must not exceed the heights shown on Map 1, as applicable.

Architectural features may exceed the building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the height provided that:

- the equipment/structures do not cause additional overshadowing of secluded private open space to residential land, opposite footpaths, kerb outstands etc.; and
- the equipment/structures are no higher than 3.6 metres above the preferred maximum height; and
- occupy less than 50 per cent of the roof area.

**Map 1: Street Wall and Building Heights South of Gertrude Street**



## 2.6 Interface Requirements

Development on a rear boundary, excluding the west side of Brunswick Street where south of 25 Brunswick Street; should not exceed the maximum heights in Table 1.

**Table 1: Rear boundary wall heights**

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m
MUZ / C1Z	11.2m

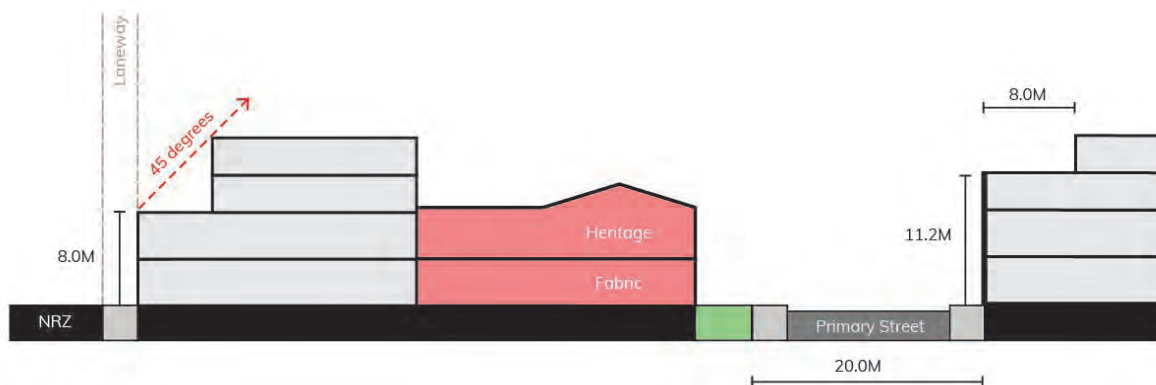
North of 25 Brunswick Street (including) and on the east side of Brunswick Street, upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45 degree setback envelope. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary, taken from the centre of the boundary.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

**Figure 1: Indicative Cross Section and Measurements**



## 2.7 Overshadowing and Daylight Access

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood Residential Zone, including where separated by a laneway.

New development must not overshadow:

- the opposite footpath of Brunswick Street, measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September; and
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.

## **2.8 Building Separation Requirements**

Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:

- be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony is proposed and/or exists;
- be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window is proposed and/or exists.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Where development consists of multiple buildings and/or separate upper levels, upper level development should:

- be set back a minimum of 9m from each other, where a habitable window or balcony is proposed
- be set back a minimum of 6m from each other where a commercial or non-habitable window is proposed.

## **2.9 Building Layout Requirements**

Internal layout of commercial and residential units should show how they can be adapted over time, including demonstrating how commercial and residential units can be combined or divided without major structural remedial works.

Buildings should:

- Be designed to accommodate commercial activity at the ground floor level;
- Incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground level, where heritage elements are not a constraint.

## **2.10 Façade Design Requirements**

Development should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

Development façades should:

- relate to the vertical and horizontal proportions of either:
  - the grand residential building character on the west side of Brunswick Street; or
  - the mixed retail, commercial and residential character on the east side of Brunswick Street;
- create a suitable ratio of solid and void elements;
- create visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, window sills etc.;
- avoid overly busy facades that rely on a multitude of materials and colours;
- maintain existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings;
- avoid highly reflective glazing in openings of heritage buildings;

- encourage the retention of solid built form behind retained heritage facades and avoid balconies behind existing openings;
- be simple and not compete with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site;
- avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts;
- ensure projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) do not intrude into a setback and not dominate the façade.

Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building.

Development should avoid blank walls, including on side street frontages.

Blank side walls in a mid-block location which are visible permanently or temporarily from adjoining residential sites and/or the public realm should be designed to provide visual interest to passing pedestrians through colour, texture or finishes.

### **2.11 Access, parking and loading areas requirements**

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, it should include a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.

Residential and commercial pedestrian entrances should be distinguishable from each other.

The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and ventilated.

Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.

Vehicle access should be achieved from laneways or side streets (in that order to preference).

Car parking should be located within a basement or concealed from the public realm.

Development must not provide additional vehicular access from Brunswick Street.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs.

Development with laneway access may require a ground level set back in order to achieve practicable vehicle access. Between ground level and first floor, a headroom clearance of 3.5 meters minimum should be achieved.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3m x 3m splay to facilitate vehicle access.

### **3.0 Subdivision**

None specified.

### **4.0 Advertising**

None specified.

### **5.0 Application Requirements**

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives and requirements of this schedule.
- For development proposals for buildings over 20 metres in height should be accompanied by a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.
- A Traffic Engineering Report prepared by a suitably qualified traffic engineer that demonstrates how the development:
  - minimises impacts on the level of service, safety and amenity of the arterial road network (including tram services),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s, where applicable.

### **6.0 Decision Guidelines**

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the requirements in Clauses 2.2 to 2.11 are met.
- Whether the design of the streetscape interface makes a positive contribution to an active, pedestrian-oriented street environment and/or public realm.
- Whether development retains the prominence of the heritage street wall and grand residential character along the western side of Brunswick Street.
- Whether the design of development along the east side of Brunswick Street achieves a mixed retail, commercial and residential character.

- Whether development retains the prominence of the heritage street wall in the vistas along Brunswick Street.
- Whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Brunswick Street.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.
- Whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street.
- Whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials.
- Whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- The shadowing impacts of the development on opposite footpaths and public spaces are minimised.
- Whether proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the development mitigates negative wind effects.
- The cumulative impact of development on traffic and parking in the nearby area, including on the functionality of laneways.
- Whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian-oriented design outcome.

### **Expiry**

The requirements of this schedule cease to have effect 2 years after publication in the Government Gazette (*Note: Minister to insert date*)

### **Reference Documents**

*Brunswick and Smith Street Built Form Review – Background Analysis Report, 2019*

*Brunswick and Smith Street Built Form Review – Heritage Analysis and Recommendations. 2019*

*Brunswick and Smith Street Built Form Review – Brunswick Street and Town Hall Built Form Framework, 2019*

*Traffic Engineering Assessment – Brunswick Street and Smith Street Activity Centres, 2019*

## Design and Development Overlay Schedule 34 - Fitzroy Town Hall and Back Blocks

### 1 Objectives

To ensure development supports a lower- to mid-rise character (ranging from 3 to 6 storeys) in the Fitzroy Town Hall precinct and back blocks behind Brunswick Street.

To ensure development retains view lines to the Fitzroy Town Hall clock tower from the corner of Young Street and Moor Street.

To ensure development respects the low-scale heritage street wall and buildings through recessive upper levels and façade composition and articulation that complements the mixed industrial and residential character of each area.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths and public spaces.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

### 2 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level
- an alteration to an existing building façade provided:
  - the alteration does not include the installation of an external roller shutter
  - in a C1Z, at least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing
  - in a MUZ and/or GRZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager

#### 2.1 Definitions

**Heritage building** means any building subject to a Heritage Overlay, on the Victorian Heritage Register or any building graded as either Contributory or Individually Significant.

**Laneway** means a road reserve of a public road 9 metres or less wide.

**Parapet** does not include features such as brackets, pediments, urns, finials or other decorative elements.

**Public realm** means all streets and spaces open to the public but does not include laneways.



**Street wall** means the facade of a building at the street boundary, or if the existing heritage building is set back from the street boundary, the front of the existing building.

**Street wall height** means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge; or in the case of a heritage building, if it is set back from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

**Upper level** means development above the height of the street wall.

**Upper level setback** means the setback of the upper level measured from the street wall of the building.

## **2.2 General Requirements**

A permit cannot be granted under this Design and Development Overlay to vary a requirement expressed with the term 'must'.

The requirements below apply to an application to construct a building or construct or carry out works.

## **2.3 Street Wall Height Requirements**

Street wall heights must not exceed the heights specified in Maps 1,2 and 3, as applicable and as stated below, where applicable.

Development should achieve a continuous street wall with no front setback.

Infill development must match the frontage street wall height of an adjoining heritage property for a minimum length of 6 metres along the front boundary.

The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with a transition in height to match the rear interface where required.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street;
- heritage fabric of the return facades of heritage buildings on corner sites.

## **2.4 Upper Level Front and Side Set Back Requirements**

Upper levels above the primary frontage street wall should be set back by a minimum of 6 metres.

Upper levels above the King William Street and Fitzroy Street street wall should be a minimum of 8 metres.

Upper levels above a side street wall should be set back a minimum of 3 metres.

Upper levels should retain views towards the tower of the Fitzroy Town Hall from western corner of Kent and Moor Streets.

Upper levels should:

- be visually recessive from street frontages and side streets to ensure development does not overwhelm the heritage buildings and minimise upper level bulk;
- be set back from the street wall below to ensure that upper level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street;
- contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.

Projections such as building services and architectural features (other than shading devices, moldings etc.) and balconies should not intrude into a setback.

Balustrades may intrude into the setback above the street wall.

For heritage buildings, upper level setbacks behind the street wall in excess of the minimum upper level setback should be provided where:

- it would facilitate the retention of a roof form and/or chimneys that are visible from the public realm, or a roof or any feature that the relevant statement of significance identifies as contributing to the significance of the heritage building or streetscape
- it would maintain the perception of the three-dimensional form and depth of the building
- a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along the street.

## **2.5 Overall Building Height Requirements**

Development should not exceed the heights shown on Maps 1, 2 and 3, as applicable.

A permit should only be granted to construct a building or carry out works which exceeds the building heights shown in Maps 1, 2 and 3 where each of the following requirements are met to the satisfaction of the responsible authority:

- the minimum common boundary and building separation requirements in this schedule are exceeded by at least 1 metre each for levels above the height;
- accessibility provision that achieves the standards in Clauses 55.07 and 58.05 respectively for a minimum of 70% of dwellings;
- communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03 by 20%;
- secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05 by 20% each;
- excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
- no additional overshadowing to secluded private open space of residentially zoned properties outside of the schedule and/or opposite footpath, kerb outstands etc. beyond that which would be generated by a proposal that complies with the maximum building height.

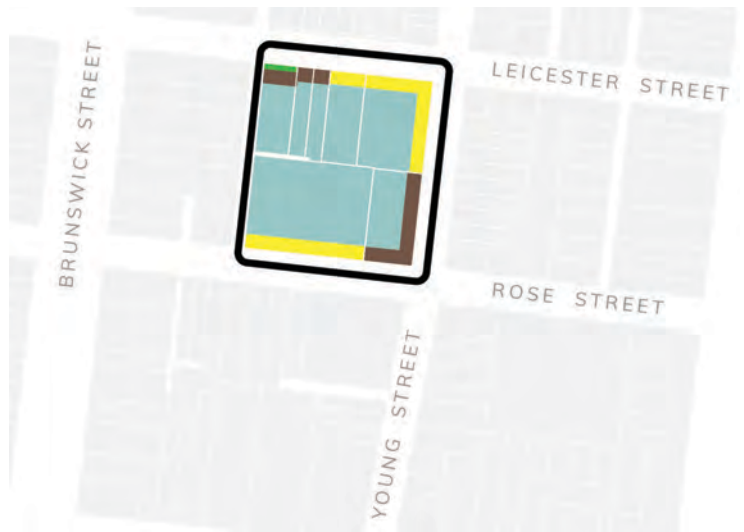
Architectural features may exceed the building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the height provided that:

- the equipment/structures do not cause additional overshadowing of secluded private open space to residential land, opposite footpaths, kerb outstands etc.; and
- the equipment/structures are no higher than 3.6 metres above the preferred maximum height; and
- occupy less than 50 per cent of the roof area.

**Map 1: Street Wall and Building Heights south of Hanover Street**

**Map 2: Street Wall and Building Heights South of Leicester Street**



**Map 3: Street Wall and Building Heights Fitzroy Town Hall Precinct**



## 2.6 Interface Requirements

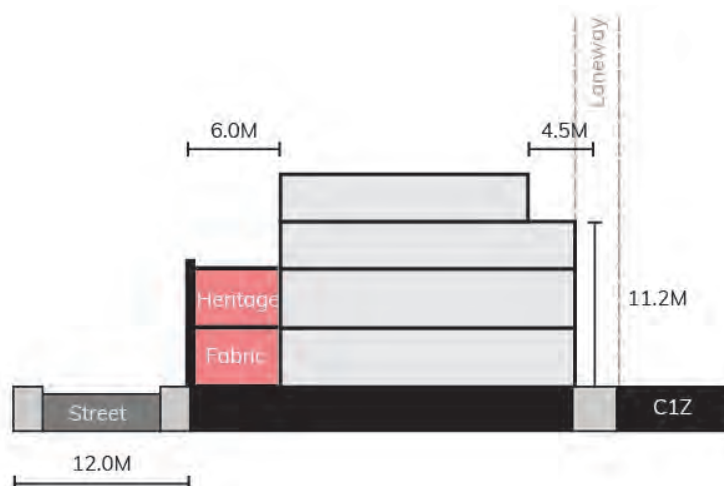
Development on a rear boundary should not exceed 11.2 meters.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

**Figure 1: Indicative Cross Section and Measurements**



## **2.7 Overshadowing and Daylight Access**

Development should meet the objective of Clause 55.04-5 Overshadowing for land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.

New development must not overshadow:

- the opposite footpath street over 10 metres in width (as applicable), measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September; and
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.

## **2.8 Common Boundary and Building Separation Requirements**

Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:

- be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony is proposed and/or exists;
- be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window is proposed and/or exists.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Where development consists of multiple buildings and/or separate upper levels, upper level development should:

- be set back a minimum of 9m from each other, where a habitable window or balcony is proposed
- be set back a minimum of 6m from each other where a commercial or non-habitable window is proposed.

## **2.9 Building Layout Requirements**

Internal layout of commercial and residential units should show how they can be adapted over time, including demonstrating how commercial and residential units can be combined or divided without major structural remedial works.

Buildings in the Commercial 1 Zone and Mixed Use Zone should:

- Be designed to accommodate commercial activity at the ground floor level;
- Incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground floor level, where heritage elements are not a constraint.

## **2.10 Façade Design Requirements**

Development should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

Development façades should:

- relate to the vertical and horizontal proportions of either the mixed historic industrial warehouse or residential character, as applicable.
- create a suitable ratio of solid and void elements
- create visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, window sills etc.
- avoid overly busy facades that rely on a multitude of materials and colours
- maintain existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings
- avoid highly reflective glazing in openings of heritage buildings
- encourage the retention of solid built form behind retained heritage facades and avoid balconies behind existing openings;
- be simple and not compete with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site
- avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts and former industrial buildings
- ensure projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) do not intrude into a setback and not dominate the façade.

Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building.

Development should avoid blank walls, including on side street frontages.

Blank side walls in a mid-block location which are visible permanently or temporarily from adjoining residential sites and/or the public realm should be designed to provide visual interest to passing pedestrians through colour, texture or finishes.

### **2.11 Access, parking and loading areas requirements**

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, it should include a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.

Residential and commercial pedestrian entrances should be distinguishable from each other.

The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and ventilated.

Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.

Vehicle access should be achieved from laneways or side streets (in that order to preference).

Car parking should be located within a basement or concealed from the public realm.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs.

Development with laneway access may require a ground level set back in order to achieve practicable vehicle access. Between ground level and first floor, a headroom clearance of 3.5 meters minimum should be achieved.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3m x 3m splay to facilitate vehicle access.

### **3.0 Subdivision**

None specified.

### **4.0 Advertising**

None specified.

### **5.0 Application Requirements**

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives and requirements of this schedule.
- For development proposals for buildings over 20 metres in height should be accompanied by a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.
- A Traffic Engineering Report prepared by a suitably qualified traffic engineer that demonstrates how the development:
  - minimises impacts on the level of service, safety and amenity of the arterial road network (including tram services),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s, where applicable.

## 6.0 Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the requirements in Clauses 2.2-2.11 are met.
- Whether the design of the streetscape interface makes a positive contribution to an active, pedestrian-oriented street environment and/or public realm.
- Whether the design of development achieves a mixed use industrial warehouse and/or residential character, as applicable.
- Whether development retains the prominence of Fitzroy Town Hall in the precinct.
- Whether development retains the prominence of the heritage street wall in the vistas along the primary street frontage.
- Whether heritage buildings on street corners retain their prominence when viewed from the opposite side of the primary and secondary street.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.
- Whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street.
- Whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials.
- Whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- The shadowing impacts of the development on opposite footpaths and public spaces are minimised.
- Whether proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the development mitigates negative wind effects.
- The cumulative impact of development on traffic and parking in the nearby area, including on the functionality of laneways.
- Whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian-oriented design outcome.

### Expiry

The requirements of this schedule cease to have effect 2 years after publication in the Government Gazette (*Note: Minister to insert date*)



## **Reference Documents**

*Brunswick and Smith Street Built Form Review – Background Analysis Report, 2019*

*Brunswick and Smith Street Built Form Review – Heritage Analysis and Recommendations. 2019*

*Brunswick and Smith Street Built Form Review – Brunswick Street and Town Hall Built Form Framework, 2019*

*Traffic Engineering Assessment – Brunswick Street and Smith Street Activity Centres, 2019*

## Design and Development Overlay Schedule 35 - Johnston Street South and Victoria Street

### 1 Objectives

To ensure development responds to the heritage character and varied streetscape by supporting:

- A mid-rise character (ranging from 3 to 8 storeys) behind a consistent street wall along Victoria Street;
- A lower to mid-rise character (ranging from 3 to 6 storeys) behind a low street wall between Johnston and Chapel Streets.

To retain the prominence and integrity of corner heritage buildings, particularly the former Avon Butter Factory and heritage warehouse buildings on Victoria Street.

To ensure development respects the heritage street wall and buildings through recessive upper levels and façade composition and articulation that complement:

- The commercial character of Johnston Street;
- the varied commercial and residential character along side and rear streets;
- the heritage warehouse streetscape of Victoria Street.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Victoria Street, opposite footpaths of Kerr, George and Gore Streets and properties south of Chapel Street, including the primary school.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

### 2 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level
- an alteration to an existing building façade provided:
  - the alteration does not include the installation of an external roller shutter
  - in a C1Z, at least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing
  - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager

#### 2.1 Definitions

**Heritage building** means any building subject to a Heritage Overlay, on the Victorian Heritage Register or any building graded as either Contributory or Individually Significant.

**Laneway** means a road reserve of a public road 9 metres or less wide.

**Parapet** does not include features such as brackets, pediments, urns, finials or other decorative elements.

**Public realm** means all streets and spaces open to the public but does not include laneways.

**Street wall** means the facade of a building at the street boundary, or if the existing heritage building is set back from the street boundary, the front of the existing building.

**Street wall height** means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge; or in the case of a heritage building, if it is set back from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

**Upper level** means development above the height of the street wall.

**Upper level setback** means the setback of the upper level measured from the street wall of the building.

## 2.2 General Requirements

A permit cannot be granted under this Design and Development Overlay to vary a requirement expressed with the term 'must'.

The requirements below apply to an application to construct a building or construct or carry out works.

## 2.3 Street Wall Height Requirements

Street wall heights must not exceed the heights specified in Maps 1 and 2, as applicable and as stated below, where applicable.

Along Johnston and Victoria Streets, development should achieve a continuous street wall with no front setback, unless the site is in a heritage overlay and a front setback already exists.

Infill development must match the frontage street wall height of an adjoining heritage property for a minimum length of 6 metres along the front boundary, but must not be higher than 11.2 metres where an adjacent heritage street wall is taller.

The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with a transition in height to match the rear interface where required.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street;
- heritage fabric of the return facades of heritage buildings on corner sites.

## 2.4 Upper Level Front and Side Set Back Requirements

Upper levels above the Johnston Street street wall must be set back by a minimum of 6 metres.

Upper levels above the Chapel Street and Victoria Street street wall should be set back by a minimum of 6 metres.

For development over 16.4 metres, the top most upper level above a heritage building should be set back a further 3.2 metres from the Johnston Street frontage.

Upper levels above a side street wall should be set back a minimum of 3 metres.

Upper levels should:

- be visually recessive from Johnston, Victoria and Chapel Street frontages, as applicable, and side streets to ensure development does not overwhelm the heritage buildings and minimise upper level bulk;
- be set back from the street wall below to ensure that upper level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street;
- contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.

Projections such as building services and architectural features (other than shading devices, moldings etc.) and balconies should not intrude into a setback.

Balustrades may intrude into the setback above the street wall.

For heritage buildings, upper level setbacks behind the street wall in excess of the minimum upper level setback should be provided where:

- it would facilitate the retention of a roof form and/or chimneys that are visible from the public realm, or a roof or any feature that the relevant statement of significance identifies as contributing to the significance of the heritage building or streetscape
- it would maintain the perception of the three-dimensional form and depth of the building
- a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along the street.

## **2.5 Overall Building Height Requirements**

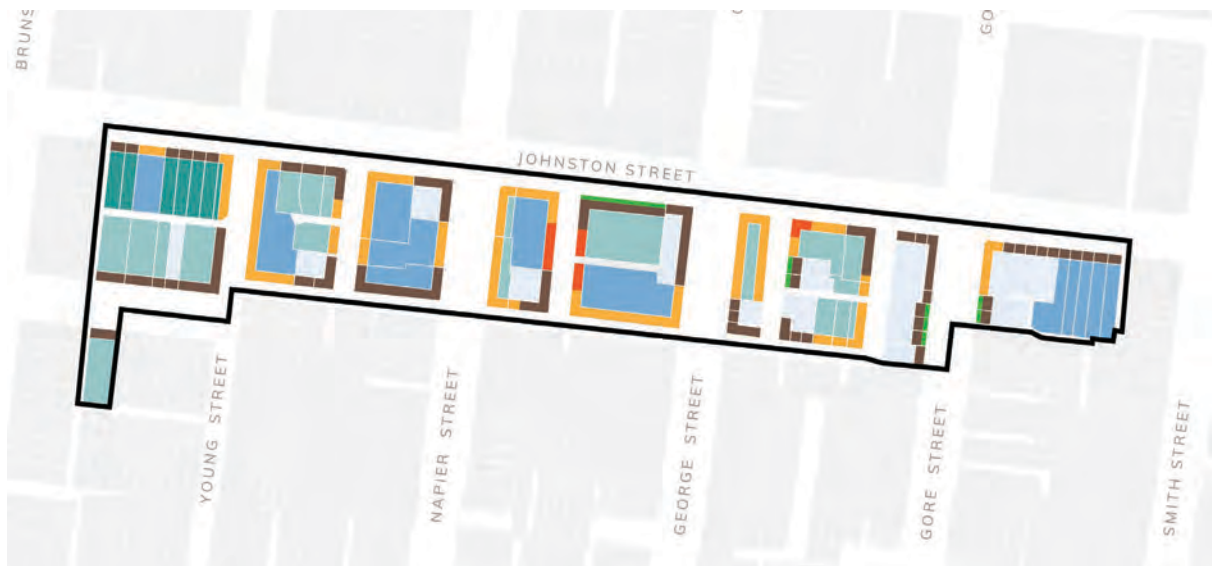
Development must not exceed the heights shown on Maps 1 and 2, as applicable.

Architectural features may exceed the building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the height provided that:

- the equipment/structures do not cause additional overshadowing of secluded private open space to residential land, opposite footpaths, kerb outstands etc.; and
- the equipment/structures are no higher than 3.6 metres above the preferred maximum height; and
- occupy less than 50 per cent of the roof area.

**Map 1: Street Wall and Building Heights Johnston Street South and Chapel Street**



**Map 2: Street Wall and Building Heights Victoria Street**



Building Height		Streetwall	
11.2m		Retain landscape setback	
14.4m		Retain heritage streetwall	
17.6m			8m 
20.8m			11.2m 
27.2m			14.4m 

## 2.6 Interface Requirements

Development on a rear boundary should not exceed the maximum heights in Table 1.

**Table 1: Rear boundary wall heights**

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

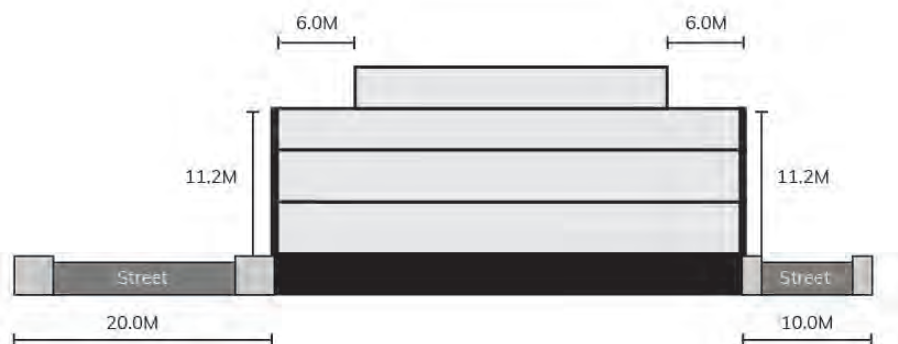
Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45 degree setback envelope. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary, taken from the centre of the boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

**Figure 1: Indicative Cross Section and Measurements**



## 2.7 Overshadowing and Daylight Access

Development should meet the objective of Clause 55.04-5 Overshadowing for land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.

New development must not overshadow:

- the opposite footpath of Victoria Street and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September; and
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.

New development should not overshadow land within a Public Use Zone, south of Chapel Street, between 10am and 2pm at 22 September.

## **2.8 Common Boundary and Building Separation Requirements**

Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:

- be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony is proposed and/or exists;
- be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window is proposed and/or exists.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Where development consists of multiple buildings and/or separate upper levels, upper level development should:

- be set back a minimum of 9m from each other, where a habitable window or balcony is proposed
- be set back a minimum of 6m from each other where a commercial or non-habitable window is proposed.

## **2.9 Building Layout Requirements**

Internal layout of commercial and residential units should show how they can be adapted over time, including demonstrating how commercial and residential units can be combined or divided without major structural remedial works.

Buildings in the Commercial 1 Zone and Mixed Use Zone should:

- Be designed to accommodate commercial activity at the ground floor level;
- Incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground floor level, where heritage elements are not a constraint.

## **2.10 Façade Design Requirements**

Infill development fronting Johnston Street should achieve a fine-grain, shop front design at ground level that includes elements of:

- a stall riser;
- pilasters;
- a verandah or canopy (where applicable); and
- clerestory window.

Development on streets other than Johnston Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

Development façades should:

- relate to the vertical and horizontal proportions of either:

- the fine-grain, retail shop front and/or residential character towards Johnston Street, as applicable; or
- the heritage warehouse character of Victoria Street;

as applicable;

- create a suitable ratio of solid and void elements;
- create visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, window sills etc.;
- avoid overly busy facades that rely on a multitude of materials and colours;
- maintain existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings;
- avoid highly reflective glazing in openings of heritage buildings;
- encourage the retention of solid built form behind retained heritage facades and avoid balconies behind existing openings;
- be simple and not compete with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site;
- avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts;
- ensure projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) do not intrude into a setback and not dominate the façade.

Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building.

Development should avoid blank walls, including on side street frontages.

Blank side walls in a mid-block location which are visible permanently or temporarily from adjoining residential sites and/or the public realm should be designed to provide visual interest to passing pedestrians through colour, texture or finishes.

### **2.11 Access, parking and loading areas requirements**

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, it should include a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.

Residential and commercial pedestrian entrances should be distinguishable from each other.

The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and ventilated.

Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.

Vehicle access should be achieved from laneways or side streets (in that order to preference).

Car parking should be located within a basement or concealed from the public realm.



Development must not provide additional vehicular access from Johnston Street.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs.

Development with laneway access may require a ground level set back in order to achieve practicable vehicle access. Between ground level and first floor, a headroom clearance of 3.5 meters minimum should be achieved.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3m x 3m splay to facilitate vehicle access.

### **3.0 Subdivision**

None specified.

### **4.0 Advertising**

None specified.

### **5.0 Application Requirements**

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives and requirements of this schedule.
- For development proposals for buildings over 20 metres in height should be accompanied by a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.
- A Traffic Engineering Report prepared by a suitably qualified traffic engineer that demonstrates how the development:
  - minimises impacts on the level of service, safety and amenity of the arterial road network (including tram services),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s, where applicable.

### **6.0 Decision Guidelines**

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the requirements in Clauses 2.2 to 2.11 are met.
- Whether the design of the streetscape interface makes a positive contribution to an active, pedestrian-oriented street environment and/or public realm.
- Whether the design of development fronting Johnston Street achieves a fine-grain mixed shop front or respectively retains the heritage residential character.
- Whether the design of development in Victoria Street retains the heritage warehouse character.
- Whether development retains the prominence of the heritage street wall in the vistas along Johnston, Victoria and Chapel Street.
- Whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Johnston and Victoria Streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.
- Whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street.
- Whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials.
- Whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- The shadowing impacts of the development on opposite footpaths and public spaces are minimised.
- Whether proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the development mitigates negative wind effects.
- The cumulative impact of development on traffic and parking in the nearby area, including on the functionality of laneways.
- Whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian-oriented design outcome.

### **Expiry**

The requirements of this schedule cease to have effect 2 years after publication in the Government Gazette (*Note: Minister to insert date*)

### **Reference Documents**

*Brunswick and Smith Street Built Form Review – Background Analysis Report, 2019*

*Brunswick and Smith Street Built Form Review – Heritage Analysis and Recommendations. 2019*

*Brunswick and Smith Street Built Form Review – Johnston Street Built Form Framework, 2019*



## Design and Development Overlay Schedule 36 - Fitzroy East and Johnston Street North

### 1 Objectives

To ensure development responds to the heritage character and streetscape by supporting:

- A new mid-rise character (ranging from 6 to 9 storeys) with a new prominent street wall along the northern side of Johnston Street and scale of development transitioning down to Argyle Street;
- Mid-rise development (ranging from 3 to 8 storeys) in the mixed use precinct in Fitzroy East, north of Argyle Street, which ensures the varied but low heritage street wall remains the visually dominant element of the streetscape and upper level developments are recessive providing a clear visual distinction between lower street walls and upper level development.

To ensure the façade composition and articulation of development responds to:

- The commercial character of Johnston Street;
- The varied industrial and residential heritage character of Fitzroy East.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on the southern side of Johnston Street, opposite footpaths of Kerr, George and Gore Streets and upper levels along the south side of Argyle Street.

To ensure that development provides for equitable development outcomes through building separation and a design response that considers the development opportunities of neighbouring properties.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

### 2.0 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level
- an alteration to an existing building façade provided:
  - the alteration does not include the installation of an external roller shutter
  - in a C1Z, at least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing
  - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager

## 2.1 Definitions

**Heritage building** means any building subject to a Heritage Overlay, on the Victorian Heritage Register or any building graded as either Contributory or Individually Significant.

**Laneway** means a road reserve of a public road 9 metres or less wide.

**Parapet** does not include features such as brackets, pediments, urns, finials or other decorative elements.

**Public realm** means all streets and spaces open to the public but does not include laneways.

**Street wall** means the facade of a building at the street boundary, or if the existing heritage building is set back from the street boundary, the front of the existing building.

**Street wall height** means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge; or in the case of a heritage building, if it is set back from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

**Upper level** means development above the height of the street wall.

**Upper level setback** means the setback of the upper level measured from the street wall of the building.

## 2.2 General Requirements

A permit cannot be granted under this Design and Development Overlay to vary a requirement expressed with the term 'must'.

The requirements below apply to an application to construct a building or construct or carry out works.

## 2.3 Street Wall Height and Setback Requirements

Street wall heights should not exceed the heights specified in Map 1 and as stated below, where applicable.

Development should achieve a continuous street wall with no front setback towards a street, unless a front set back exists and the site is within a Heritage Overlay.

Infill development should match the frontage street wall height of an adjoining heritage property for a minimum length of 6 metres along the front boundary, but should not be higher than 11.2 metres where an adjacent heritage street wall is taller.

The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with a transition in height to match the rear interface where required.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street
- heritage fabric of the return facades of heritage buildings on corner sites.

## **2.4 Upper Level Setback Requirements**

Upper levels above the Argyle Street street wall should be set back a minimum of 10 metres.

Upper levels above the primary and side street wall should be set back a minimum of 6 metres along other streets.

For development over 16.4 metres, the top most upper level above a heritage building should be set back a further 3.2 metres from a street frontage.

Upper levels should:

- be visually recessive from main frontages and side streets to ensure development does not overwhelm the heritage buildings and minimise upper level bulk;
- be set back from the street wall below to ensure that upper level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street;
- contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.

Balustrades may intrude into the setback above the street wall.

For heritage buildings, upper level setbacks behind the street wall in excess of the minimum upper level setback should be provided where:

- it would facilitate the retention of a roof form and/or chimneys that are visible from the public realm, or a roof or any feature that the relevant statement of significance identifies as contributing to the significance of the heritage building or streetscape
- it would maintain the perception of the three-dimensional form and depth of the building
- a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along the street.

## **2.5 Building Height Requirements**

Development should not exceed the heights shown on Map 1.

A permit should only be granted to construct a building or carry out works which exceeds the building heights shown in Maps 1 and 2 where each of the following requirements are met to the satisfaction of the responsible authority:

- the minimum common boundary and building separation requirements in this schedule are exceeded by at least 1 metre each for levels above the height;
- accessibility provision that achieves the standards in Clauses 55.07 and 58.05 respectively for a minimum of 70% of dwellings;
- communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03 by 20%;
- secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05 by 20% each;

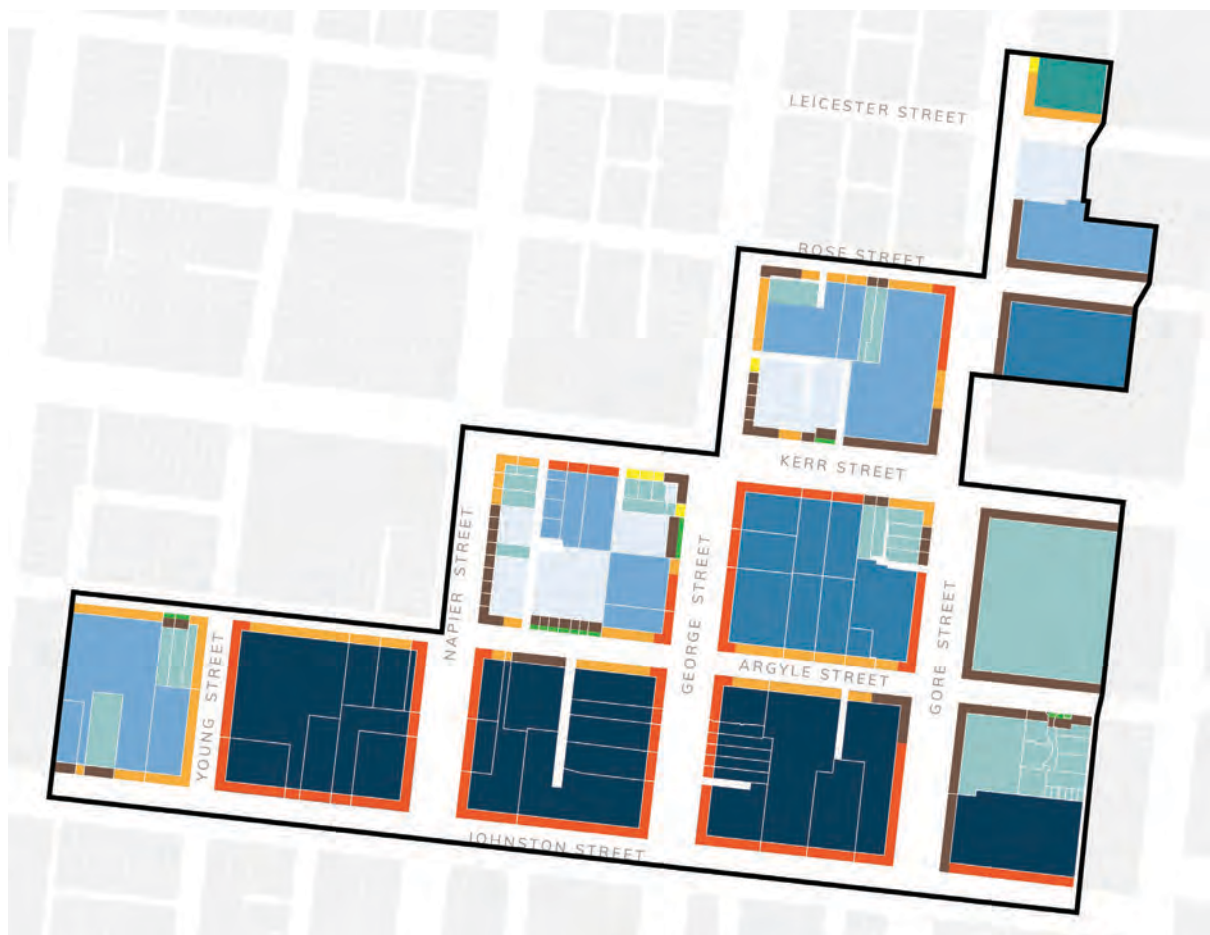
- excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
- no additional overshadowing to secluded private open space of residentially zoned properties outside of the schedule and/or opposite footpath, kerb outstands etc. beyond that which would be generated by a proposal that complies with the maximum building height.

Architectural features may exceed the building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the height provided that:

- the equipment/structures do not cause additional overshadowing of secluded private open space to residential land, opposite footpaths, kerb outstands etc.; and
- the equipment/structures are no higher than 3.6 metres above the preferred maximum height; and
- occupy less than 50 per cent of the roof area.

**Map 1: Street Wall Heights and Building Heights**



Building Height	Streetwall
11.2m	Retain landscape setback
14.4m	Retain heritage streetwall
17.6m	8m
20.8m	11.2m
24.0m	14.4m
27.2m	
30.4m	

## 2.6 Interface Requirements

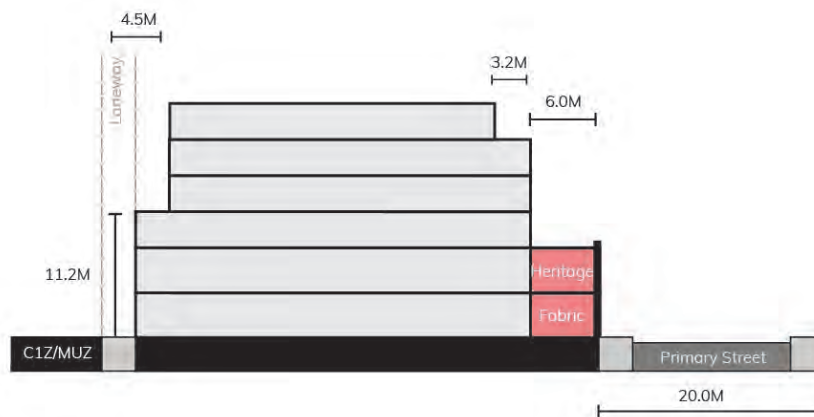
Development on a rear boundary should not exceed 11.2 meters.

Upper level setbacks above a rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

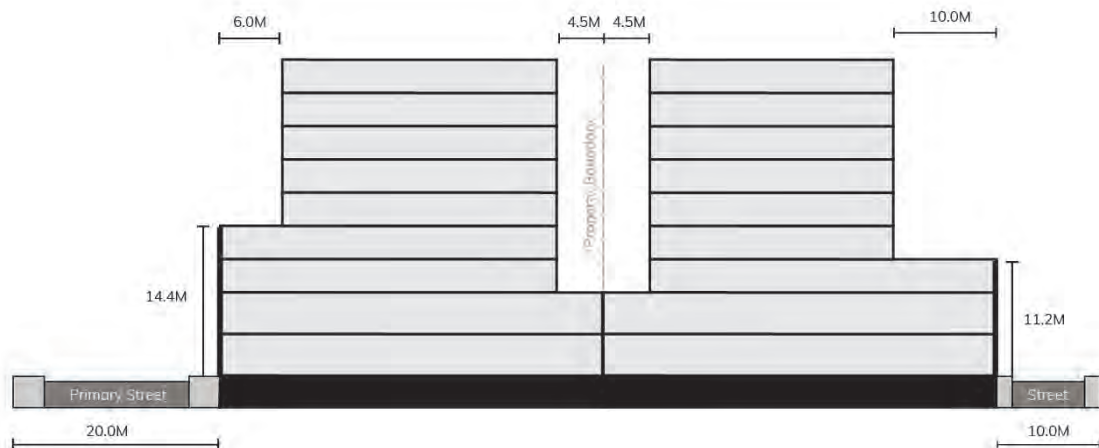
Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

**Figures 1 and 2: Indicative Cross Sections and Measurements**







## 2.7 Overshadowing

Development should meet the objective of Clause 55.04-5 Overshadowing for single dwellings on a lot within the Mixed Use Zone.

New development must not overshadow:

- the opposite footpath of Johnston, Napier, George, Gore and Kerr Streets (as applicable), measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September; and
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.

New development should not overshadow properties fronting Argyle Street, south side, from the first floor upwards between 10am and 2pm at 22 September.

## 2.8 Building Separation Requirements

Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:

- be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony is proposed and/or exists;
- be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window is proposed and/or exists.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Where development consists of multiple buildings and/or separate upper levels, upper level development should:

- be set back a minimum of 9m from each other, where a habitable window or balcony is proposed
- be set back a minimum of 6m from each other where a commercial or non-habitable window is proposed.

## 2.9 Building Layout Requirements

Internal layout of commercial and residential units should show how they can be adapted over time, including demonstrating how commercial and residential units can be combined or divided without major structural remedial works.

Buildings in the Commercial 1 and Mixed Use Zone should:

- Be designed to accommodate commercial activity at the ground floor level;
- Incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground floor level, where heritage elements are not a constraint.

## 2.10 Façade Design Requirements

Development fronting Johnston Street should achieve fine-grain, commercial façade designs at ground and first floor to reinforce a commercial character and promote activation and surveillance of the public realm.

Development on streets other than Johnston Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

Development façades should:

- relate to the vertical and horizontal proportions of either:
  - the modern commercial character of Johnston Street; or
  - the mixed historic industrial warehouse and residential character of Fitzroy East;as applicable.
- create a suitable ratio of solid and void elements
- create visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, window sills etc.
- avoid overly busy facades that rely on a multitude of materials and colours
- maintain existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings
- avoid highly reflective glazing in openings of heritage buildings
- encourage the retention of solid built form behind retained heritage facades and avoid balconies behind existing openings;
- be simple and not compete with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site
- avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts and former industrial buildings
- ensure projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) do not intrude into a setback and not dominate the façade.

Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building.

Development should avoid blank walls, including on side street frontages.

Blank side walls in a mid-block location which are visible permanently or temporarily from adjoining residential sites and/or the public realm should be designed to provide visual interest to passing pedestrians through colour, texture or finishes.

### **2.11 Access, parking and loading areas requirements**

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, it should include a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.

Residential and commercial pedestrian entrances should be distinguishable from each other.

The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and ventilated.

Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.

Vehicle access should be achieved from laneways or side streets (in that order to preference).

Car parking should be located within a basement or concealed from the public realm.

Development must not provide additional vehicular access from Johnston Street.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs.

Development with laneway access may require a ground level set back in order to achieve practicable vehicle access. Between ground level and first floor, a headroom clearance of 3.5 meters minimum should be achieved.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3m x 3m splay to facilitate vehicle access.

### **3.0 Subdivision**

None specified.

### **4.0 Advertising**

None specified.

## 5.0 Application Requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives and requirements of this schedule.
- For development proposals for buildings over 20 metres in height should be accompanied by a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.
- A Traffic Engineering Report prepared by a suitably qualified traffic engineer that demonstrates how the development:
  - minimises impacts on the level of service, safety and amenity of the arterial road network (including tram services),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s, where applicable.

## 6.0 Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the requirements in Clauses 2.2 to 2.11 are met.
- Whether the design of the streetscape interface makes a positive contribution to an active, pedestrian-oriented street environment and/or public realm.
- Whether the design of development fronting Johnston Street achieves a fine-grain modern commercial character.
- Whether the design of development in the remainder of the precinct achieves a mixed use industrial warehouse and/or residential character.
- Whether development retains the prominence of the heritage street wall in the vistas along the primary street frontage.
- Whether heritage buildings on street corners retain their prominence when viewed from the opposite side of the primary and secondary street.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.
- Whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street.
- Whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials.
- Whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.

- The shadowing impacts of the development on opposite footpaths and public spaces are minimised.
- Whether proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the development mitigates negative wind effects.
- The cumulative impact of development on traffic and parking in the nearby area, including on the functionality of laneways.
- Whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian-oriented design outcome.

### **Expiry**

The requirements of this schedule cease to have effect 2 years after publication in the Government Gazette (*Note: Minister to insert date*)

### **Reference Documents**

*Brunswick and Smith Street Built Form Review – Background Analysis Report, 2019*

*Brunswick and Smith Street Built Form Review – Heritage Analysis and Recommendations. 2019*

*Brunswick and Smith Street Built Form Review – Johnston Street Built Form Framework, 2019*

*Brunswick and Smith Street Built Form Review – Fitzroy East Built Form Framework, 2019*

*Traffic Engineering Assessment – Brunswick Street and Smith Street Activity Centres, 2019*

## Design and Development Overlay Schedule 37 - Smith Street North and South

### 1 Objectives

To ensure development responds to the heritage character and varied, open streetscape by supporting:

- A new mid-rise character (ranging from 6 to 10 storeys) along Smith Street behind a consistent low street wall;
- A new lower to mid-rise character (ranging from 3 to 6 storeys) along side and rear streets.

To retain the prominence and integrity of heritage warehouses and corner heritage buildings, particularly at Smith Street intersections.

To ensure development respects the low-scale heritage street wall and buildings through recessive upper levels and façade composition and articulation that complements the commercial character of Smith Street and the mixed industrial and residential character of side and rear streets.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on Smith, Emma, Westgarth, Leicester, Hotham and Kerr Streets and public spaces.

To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

### 2 Buildings and works

A permit is required to construct a building or construct or carry out works, except for:

- rear ground floor extensions no higher than 4 metres above ground level
- an alteration to an existing building façade provided:
  - the alteration does not include the installation of an external roller shutter
  - in a C1Z, at least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing
  - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls
- construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager

#### 2.1 Definitions

**Heritage building** means any building subject to a Heritage Overlay, on the Victorian Heritage Register or any building graded as either Contributory or Individually Significant.

**Laneway** means a road reserve of a public road 9 metres or less wide.

**Parapet** does not include features such as brackets, pediments, urns, finials or other decorative elements.

**Public realm** means all streets and spaces open to the public but does not include laneways.

**Street wall** means the facade of a building at the street boundary, or if the existing heritage building is set back from the street boundary, the front of the existing building.

**Street wall height** means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge; or in the case of a heritage building, if it is set back from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

**Upper level** means development above the height of the street wall.

**Upper level setback** means the setback of the upper level measured from the street wall of the building.

## 2.2 General Requirements

A permit cannot be granted under this Design and Development Overlay to vary a requirement expressed with the term 'must'.

The requirements below apply to an application to construct a building or construct or carry out works.

## 2.3 Street Wall Height Requirements

Street wall heights should not exceed the heights specified in Maps 1 and 2, as applicable and as stated below, where applicable.

Along Smith Street, development should achieve a continuous street wall with no front setback.

Infill development must match the frontage street wall height of an adjoining heritage property for a minimum length of 6 metres along the front boundary.

The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, with a transition in height to match the rear interface where required.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street;
- heritage fabric of the return facades of heritage buildings on corner sites.

## 2.4 Upper Level Front and Side Set Back Requirements

Upper level setbacks above the Smith Street street wall:

- should be a minimum of 8 metres where no heritage overlay applies;
- must be a minimum of 8 metres where a heritage overlay applies.

For development over 16.4 metres, the top most upper level above a heritage building should be set back a further 3.2 metres from the Smith Street frontage.

Upper levels above a side street wall should be set back a minimum of 6 metres.

Upper levels should:

- be visually recessive from Smith Street frontages and side streets to ensure development does not overwhelm the heritage buildings and minimise upper level bulk;
- be set back from the street wall below to ensure that upper level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street;
- contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.

Projections such as building services and architectural features (other than shading devices, moldings etc.) and balconies should not intrude into a setback.

Balustrades may intrude into the setback above the street wall.

For heritage buildings, upper level setbacks behind the street wall in excess of the minimum upper level setback should be provided where:

- it would facilitate the retention of a roof form and/or chimneys that are visible from the public realm, or a roof or any feature that the relevant statement of significance identifies as contributing to the significance of the heritage building or streetscape
- it would maintain the perception of the three-dimensional form and depth of the building
- a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along the street.

## **2.5 Overall Building Height Requirements**

Development should not exceed the heights shown on Maps 1 and 2, as applicable.

A permit should only be granted to construct a building or carry out works which exceeds the building heights shown in Maps 1 and 2 where each of the following requirements are met to the satisfaction of the responsible authority:

- the minimum common boundary and building separation requirements in this schedule are exceeded by at least 1 metre each for levels above the height;
- accessibility provision that achieves the standards in Clauses 55.07 and 58.05 respectively for a minimum of 70% of dwellings;
- communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03 by 20%;
- secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05 by 20% each;
- excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;
- no additional overshadowing to secluded private open space of residentially zoned properties outside of the schedule and/or opposite footpath, kerb outstands etc. beyond



that which would be generated by a proposal that complies with the maximum building height.

Architectural features may exceed the building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the height provided that:

- the equipment/structures do not cause additional overshadowing of secluded private open space to residential land, opposite footpaths, kerb outstands etc.; and
- the equipment/structures are no higher than 3.6 metres above the preferred maximum height; and
- occupy less than 50 per cent of the roof area.

**Map 1: Street Wall and Building Heights North of Kerr and Hotham Streets**



## Map 2: Street Wall and Building Heights South of Derby Street



### 2.6 Interface Requirements

Development on a rear boundary should not exceed the maximum heights in Table 1.

**Table 1: Rear boundary wall heights**

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
GRZ	11.2m – Where there is an existing laneway 8m – Where there is no laneway
MUZ / C1Z	11.2m – Whether or not separated by a laneway

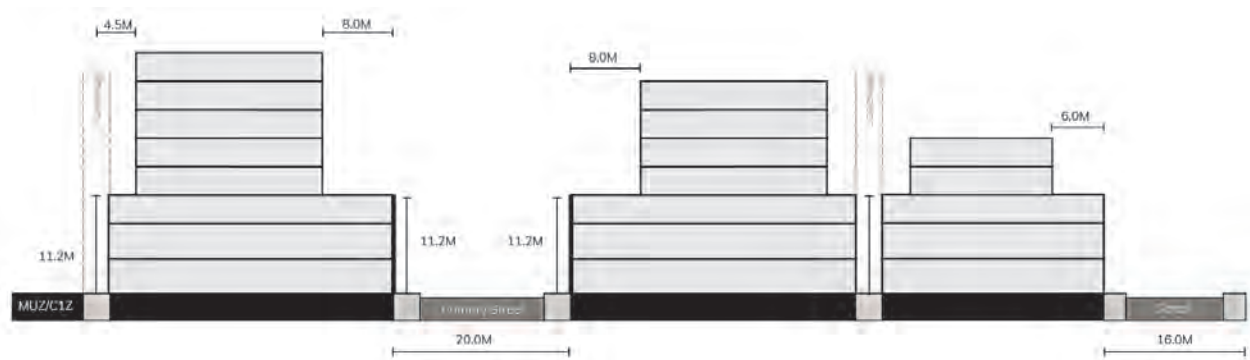
Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45 degree setback envelope. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary, taken from the centre of the boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

Development should not visually dominate adjoining residential sites, including where separated by a laneway.

**Figure 1: Indicative Cross Section and Measurements**



## 2.7 Overshadowing and Daylight Access

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a Neighbourhood Residential Zone and/or General Residential Zone, including where separated by a laneway.

New development must not overshadow:

- the opposite footpath of Smith and side streets over 10 metres wide (boundary to boundary), as applicable, measured as 3.0 metres from the relevant property frontage between 10am and 2pm at 22 September; and
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.

## 2.8 Common Boundary and Building Separation Requirements

Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:

- be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony is proposed and/or exists;
- be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window is proposed and/or exists.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Where development consists of multiple buildings and/or separate upper levels, upper level development should:

- be set back a minimum of 9m from each other, where a habitable window or balcony is proposed
- be set back a minimum of 6m from each other where a commercial or non-habitable window is proposed.

## 2.9 Building Layout Requirements

Internal layout of commercial and residential units should show how they can be adapted over time, including demonstrating how commercial and residential units can be combined or divided without major structural remedial works.

Buildings in the Commercial 1 Zone should:

- Be designed to accommodate commercial activity at the ground and first floor levels;
- Incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground and first floor level, where heritage elements are not a constraint.

### **2.10 Façade Design Requirements**

Infill development fronting Smith Street should achieve a fine-grain, shop front design at ground level that includes elements of:

- a stall riser;
- pilasters;
- a verandah or canopy (where applicable); and
- clerestory window.

Development on streets other than Smith Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

Development façades should:

- relate to the vertical and horizontal proportions of either:
  - the traditional fine-grain, retail shop front character of Smith Street; or
  - the warehouse character of side street, where applicable;
- create a suitable ratio of solid and void elements;
- create visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, window sills etc.;
- avoid overly busy facades that rely on a multitude of materials and colours;
- maintain existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings;
- avoid highly reflective glazing in openings of heritage buildings;
- encourage the retention of solid built form behind retained heritage facades and avoid balconies behind existing openings;
- be simple and not compete with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site;
- avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts;
- ensure projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) do not intrude into a setback and not dominate the façade.

Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building.

Development should avoid blank walls, including on side street frontages.

Blank side walls in a mid-block location which are visible permanently or temporarily from adjoining residential sites and/or the public realm should be designed to provide visual interest to passing pedestrians through colour, texture or finishes.

### **2.11 Access, parking and loading areas requirements**

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, it should include a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.

Residential and commercial pedestrian entrances should be distinguishable from each other.

The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and ventilated.

Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.

Vehicle access should be achieved from laneways or side streets (in that order to preference).

Car parking should be located within a basement or concealed from the public realm.

Development must not provide additional vehicular access from Smith Street.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs.

Development with laneway access may require a ground level set back in order to achieve practicable vehicle access. Between ground level and first floor, a headroom clearance of 3.5 meters minimum should be achieved.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3m x 3m splay to facilitate vehicle access.

### **3.0 Subdivision**

None specified.

### **4.0 Advertising**

None specified.

### **5.0 Application Requirements**

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives and requirements of this schedule.
- For development proposals for buildings over 20 metres in height should be accompanied by a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.
- A Traffic Engineering Report prepared by a suitably qualified traffic engineer that demonstrates how the development:
  - minimises impacts on the level of service, safety and amenity of the arterial road network (including tram services),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s, where applicable.

## 6.0 Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the requirements in Clauses 2.2 to 2.11 are met.
- Whether the design of the streetscape interface makes a positive contribution to an active, pedestrian-oriented street environment and/or public realm.
- Whether the design of development fronting Smith Street achieves a fine-grain commercial character.
- Whether the design of development in other streets achieves a mixed use industrial warehouse and/or residential character.
- Whether development retains the prominence of the heritage street wall in the vistas along Smith Street.
- Whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Smith Street.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.
- Whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street.
- Whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials.
- Whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- The shadowing impacts of the development on opposite footpaths and public spaces are minimised.
- Whether proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the development mitigates negative wind effects.

- The cumulative impact of development on traffic and parking in the nearby area, including on the functionality of laneways.
- Whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian-oriented design outcome.

### **Expiry**

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### **Reference Documents**

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