

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; and
- 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 façade at ground floor level is maintained as an entry or window with clear glazing; and
 - 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 façade 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; and
- heritage fabric of the return façades 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 set back by a minimum of 8 metres where no heritage overlay applies; and
- must be set back by 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 by 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; and
- 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.), balconies and balustrades should not intrude into a setback.

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; and
- 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%; and
- 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 2.6 metres above the preferred maximum height; and
- the equipment/structures occupy less than 50 per cent of the roof area (solar panels excepted).

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

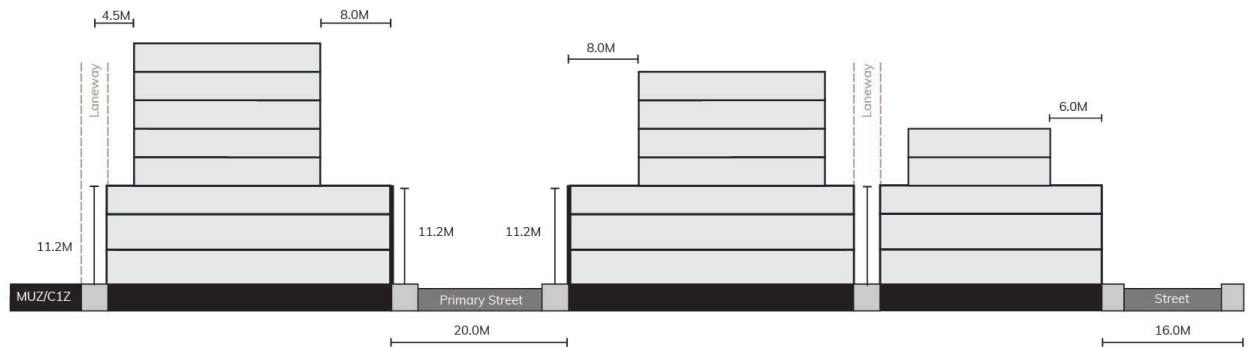
Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45 degree setback envelope. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary, taken from the centre of the boundary. This does not apply to a Commercial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

Ensure shop front widths are not reduced to the extent they become commercially unviable.

Buildings in the Commercial 1 Zone should:

- be designed to accommodate commercial activity at the ground and first floor levels; and
- 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 façades 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 façades 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
- 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 of 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.

Ensure access to service laneways is maintained in order to facilitate commercial use of the properties fronting Smith Street.

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; and
- 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; and
- 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