

PA2604384 – 64-70 Hanover Street, Fitzroy



Planning Assessment Officer Report
Development Assessment



Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key Information		Details	
Application No:	PA2604384		
Statutory days:	89 days		
Received:	8 May 2026		
Applicant:	Hanover Development C-/ Tract		
Planning Scheme:	Yarra		
Land Address:	64-70 Hanover Street, Fitzroy		
Proposal:	Demolition, use and construction of a mixed use building comprising retail (food and drink premises), two or more dwellings on a lot and a front fence exceeding 1.5m in height within 3m of a street		
Development Value:	\$20M		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the Responsible Authority for matters to which clause 53.25 (Great Design Fast Track) applies.		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 34.01	Commercial 1 Zone (C1Z)	Clause 34.01-1 – To use land for accommodation where ground floor level frontage exceeds two (2) metres. Clause 34.01-4 – To construct a building or construct or carry out works.
Overlays:	Clause 43.01	Heritage Overlay, Schedule 334 (HO334)	Clause 43.01-1 – To demolish or remove a building and to construct a building or construct or carry out works.
	Clause 45.06	Development Contributions Plan Overlay, Schedule 1 (DCPO1)	Applies to this development – No permit trigger.
	Clause 43.06	Built form overlay – Schedule 17 (BFO17)	N/a – Gazetted on 30 July 2026 and transitional provisions apply.
Particular Provisions:	Clause 52.06	Car Parking	Clause 52.06-3 – Applies to this development – No permit trigger. - Land is located within Category 3 and Category 4 of the car parking requirements maps. Therefore category 4 applies.
	Clause 52.34	Bicycle Parking	Applies to this development – No permit trigger.
	Clause 52.37	Canopy Trees	N/A –not applicable given the land is zoned C1Z.
General Requirements and Performance Standards:			
	Clause 53.03	Residential Reticulated Gas Service Connection	Applies to this development – No permit trigger. Must include a mandatory condition.
	Clause 53.18	Stormwater Management in Urban Development	Applies to this development – No permit trigger.



	Clause 53.25	Great Design Fast Track	Applies to this development – No permit trigger.
	Clause 58	Apartment Developments	Applies to this development – No permit trigger.
Cultural Heritage:	The subject site is not located within an area of cultural heritage sensitivity therefore a Cultural Heritage Management Plan (CHMP) is not required.		
Total Site Area:	Approximately 2,414 sqm.		
Referral Authorities	Head, Transport for Victoria (HTfV) – (Clause 62.02-11) – s55 determining – no objection and no conditions.		
Public Notice:	Yarra City Council (the Council) – Section 52 notice – The Council objected raising a number of key issues, however they also provided broad support based on strategic context. Notice of the application was undertaken and a total of 17 objections have been received (including from the Council). (Refer to 'notice' section of this report for further details).		
Delegates List:	Approval to determine under delegation received on 10 August 2026 .		
Recommendation:	Grant planning permit PA2604384.		



Application Process

1. The key milestones in the application process were as follows:

Milestone	Date
OVGA Review	4 February 2026
Clause 53.25 Eligibility Confirmation	8 April 2026
Application lodgement	8 May 2026
Further information requested	N/A
Further information received	N/A

Decision Plans	• Architectural Plans, prepared by SJB Architects, issued May 2026 (63 sheets).
Assessment Documents	• Urban Context Report, prepared by SJB, dated 7 May 2026 (79 sheets). • 'Tree Condition Assessment' (Arboricultural Report), prepared by Arbor Survey, dated 9 October 2026 (6 sheets). • Landscape Plan, prepared by Aspect Studios, dated 5 May 2026 (40 sheets). • Heritage Advice Memo, prepared by Lovell Chen, dated 3 November 2025 (10 sheets). • Environmentally Sustainable Design report, prepared by HIP V. HYPE, Revision 7, dated 1 May 2026 (63 sheets). • Transport Impact Assessment, prepared by Ratio, dated 30 April 2026 (52 sheets). • Waste Management Plan, prepared by Ratio, dated 1 May 2026 (42 sheets). • Desktop Wind Impact Analysis, prepared by Vipac, dated 4 May 2026 (22 sheets). • Detailed site Investigation, prepared by Senversa Pty Ltd, dated 16 April 2026 (241 sheets). • Planning Report, prepared by Tract, dated 6 May 2026 (91 sheets). • Cover Letter, prepared by Tract, dated 6 May 2026 (1 sheet). • Letter from Melbourne Water, prepared by Melbourne water, dated 13 April 2026 (2 sheets). • Titles • Application Form.

2. The subject of this report is the decision plans (as described above).



Proposal Summary

3. The proposal is for the demolition, use and construction of a mixed use building comprising dwellings and retail (food and drink premises).
4. In summary, the application proposes the development of the site with full demolition of all existing buildings and construction of an 8 storey building, comprising 63 dwellings and two retail tenancies for food and drink premises.
5. The built form surrounds a central courtyard and includes staggered building heights ranging from 4 storeys and increasing to 8 storeys to the eastern section. The heights will range from 11.2 m to a maximum height of 28.18 m. (Refer to Figures 1 to 7 for elevations and photomontages).
6. Specifically, the application includes:
 - At Basement 2 level, the development is proposed to contain 60 parking spaces, 32 storage cages, 5 motorbike spaces, two service rooms and two lifts.
 - At Basement 1 level, the development is proposed to contain 34 parking spaces, 7 private garages for the respective townhouses providing for 14 car spaces, 27 storage cages, bin storage room and residential waste room, a services room and two lifts.
 - At the Ground level, (refer to Figure 8), the development is proposed to contain:
 - two retail tenancies comprising 135 sqm of total area
 - 4 duplex dwellings, 7 townhouses and 2 apartments
 - a main entrance lobby fronting Hanover street and a mail room
 - a substation fronting Brunswick Place (east) and a services room behind it to the west
 - a courtyard accessible from the Lobby and Fitzroy Street and comprising 344 sqm,
 - bike store room comprising 68 bicycle spaces and an additional 8 bicycle spaces in the open accessible from Brunswick Place (east).
 - 5.5 m wide ramp fronting Brunswick Place (south), providing access to the basement levels
 - A lift lobby.
 - At Level 7, the development is proposed to contain 3 apartments ranging from 122 sqm to 194 sqm and an outdoor amenity area accessible to all occupants comprising 261 sqm.
 - A total of 63 residential dwellings (apartments) is proposed between ground – level 7. The proposed typology mix is as follows:
 - 14 x 1-bedroom apartments
 - 21 x 2-bedroom apartments
 - 17 x 3-bedroom apartments
 - 7 x townhouses
 - 4 x duplexes.
 - A total of 108 car parking spaces across two levels of basement.
 - A total of 76 bicycle spaces within the ground level and 5 motorbike spaces within Basement 2 level.
 - A new 5.5 m wide vehicle access is proposed via a double crossover to Brunswick Place (south).
 - Potential removal of two native trees located near the western title boundary fronting Fitzroy Street (no permit required).

- Materials and finishes include brick, concrete, textured render, tiles, metal and mesh in brown, beige and grey tones.



Figure 1 – North elevation (Hanover Street) – Source: Application



Figure 2 – Photomontage when viewed from Hanover Street – Source: Application



Figure 3 – West elevation (Fitzroy Street) – Source: Application

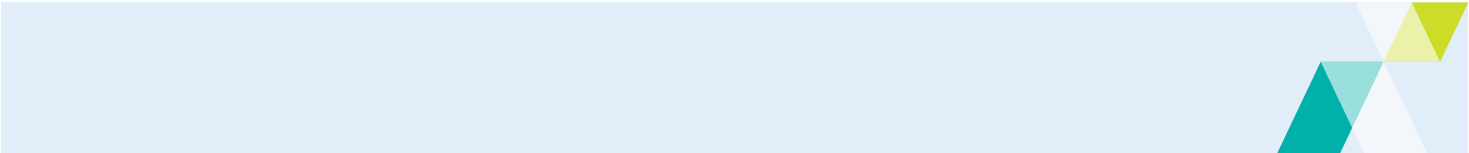


Figure 4 – Photomontage when viewed from south/west corner (along Fitzroy Street) – Source: Application



Figure 5 – East elevation (Brunswick Place (east)) – Source: Application

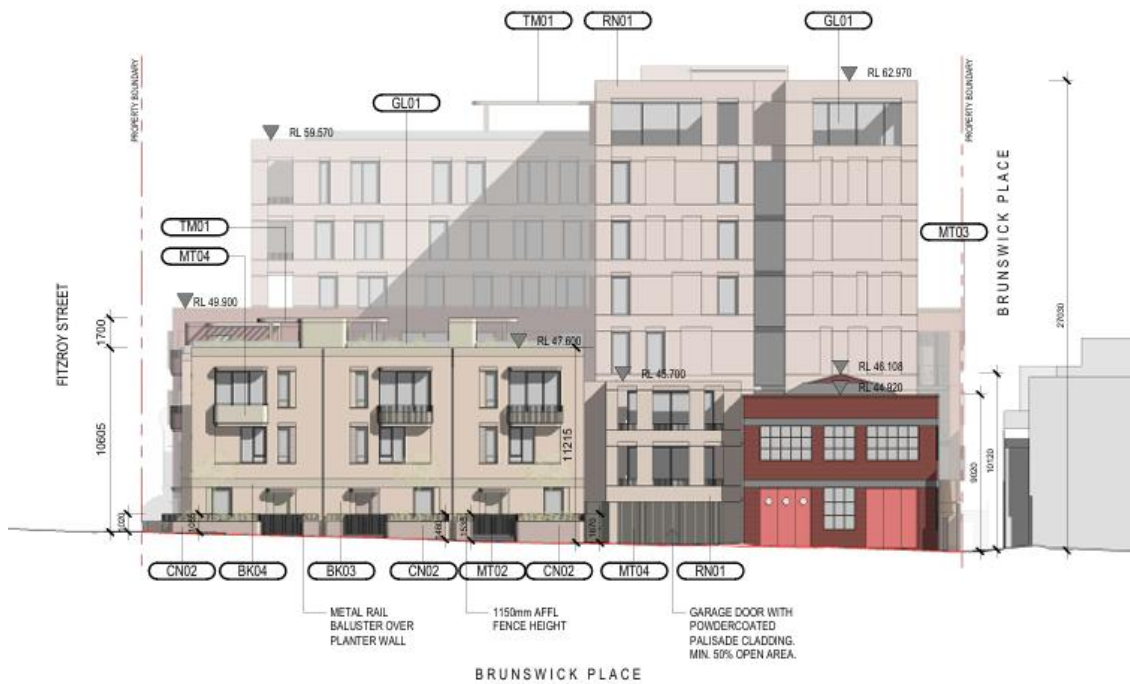


Figure 6 – South elevation (Brunswick Place (south)) – Source: Application



Figure 7 – Photomontage when viewed from Brunswick Street (looking west) – Source: Application



Figure 8 – Ground level floor plan – Source: Application



Site Description

7. The site is located at 64-70 Hanover street and consists of multiple parcels. For the purposes of this report, 68-70 Hanover Street will be referred to as the 'Northern Parcel' and 64-66 Hanover Street will be referred to as the 'Southern Parcel'. Refer to Figure 9.



Figure 9 – Site details – Source: Application

8. The site also includes a declared road (although privately owned by the owner of the site), which has been utilised as car parking servicing existing buildings on the site(Refer to Figure 9). A request has been made to Council by the owner seeking the approval to discontinue the road.
9. The parcels which form the site are formally described as follows (refer to Figure 10):

Northern Parcel (68-70 Hanover Street):

- Lot 1 on TP219700
- Lot 1 on TP241400
- CP 168078

Southern Parcel (64-66 Hanover Street):

- Lot 1 on TP161372
- Lot 1 on TP685313
- Lot 1 on TP838765

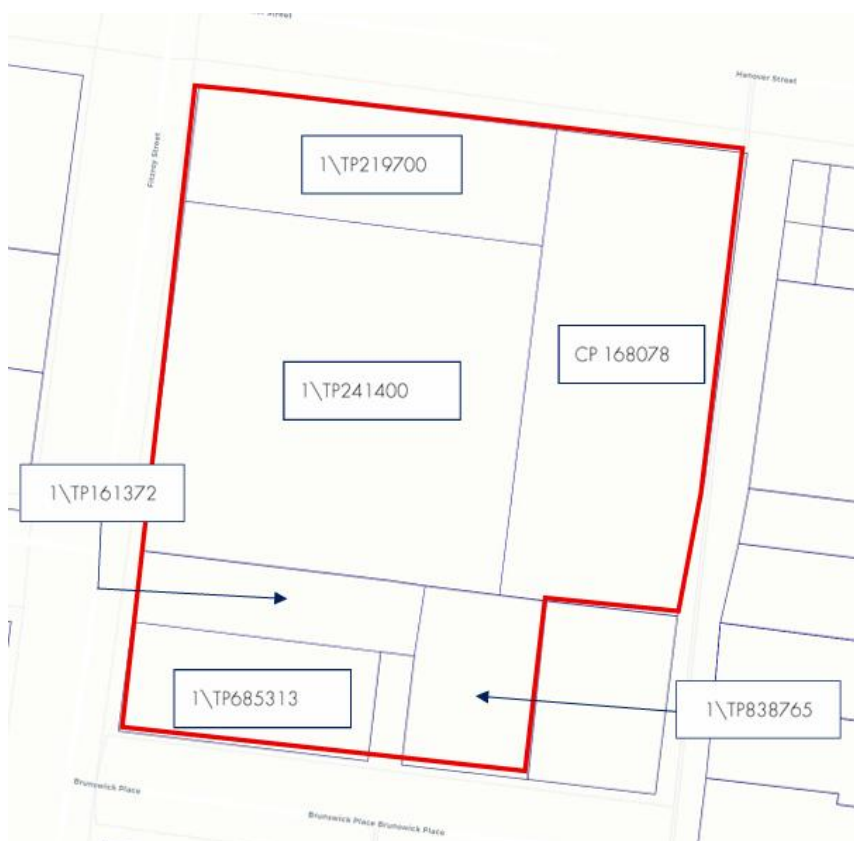


Figure 10 – Title information– Source: Application

10. The site is not affected by any restrictions on the titles, however the title includes a carriageway easement where the laneway is located. This only benefits the lots on the site and no properties outside of the site.
11. There is a 'party wall' easement which affects Lot 1 on TP161372 and Lot 1 on TP685313 however this is largely redundant given both properties are within the same ownership and there are no existing buildings on this boundary.
12. The subject site is located at the corner of Hanover Street (north) and Fitzroy Street (west). It has a frontage of 47.1 m to Hanover Street and 55.4 m to Fitzroy Street. The site also has a frontage of approximately 35 m to Brunswick Place to the south (referred to as Brunswick Place (south)), and 40 m to the east (referred to as Brunswick Place (east)). The site has a total area of approximately 2,414 sqm (Refer to Figure 11).
13. The site is currently occupied by a two-storey office building (located primarily on the Northern Parcel). The Southern Parcel is occupied by a car park. Vehicle access is provided via a crossover to Fitzroy Street, whilst a number of car parking spaces are also directly accessible via Fitzroy Street. The site currently accommodates 39 car parking spaces.



Figure 11 – Site interface aerial – Source: Application

14. The site has a gradual slope of approximately 3% downwards from west to east. There are two canopy trees in its western setback, one small tree in the centre of the car park, and some minimal vegetation along the southern interface.

Site Surrounds

15. The immediate surrounds generally include:

- To the **north** is Hanover Street, a roadway approximately 15 m in width. Both sides of Hanover Street accommodate on street parking, as well as footpaths.
- Further to the **north** and directly opposite the site on the other side of Hanover Street, properties are generally occupied by single or double storey dwellings consistent with the outcomes sought by the Neighbourhood Residential Zone that applies to the land.
- To the **east** is Brunswick Place (referred to as Brunswick Place (east)), a narrow laneway of approximately 4 m in width and generally separates the site from the commercial properties along Brunswick Street. The properties between the laneway and Brunswick Street are generally occupied by retail premises which are accessed from Brunswick Street.
- Directly adjoining the 'Southern Parcel' to the east and the 'Northern Parcel' to the south is 4-6 Brunswick Place, which is occupied by a brick commercial building. This building was previously used as a shoe warehouse and is built entirely to the common boundary.

- To the **south** is Brunswick Place (south), a 10 m wide road reserve (which extends into the laneway to the east and described above). Street parking is accommodated on the northern side of this road reserve.
- Further to the **south** and directly opposite the site on the other side of Brunswick Place (south), properties at 3, 5, 7, 9 and 11 Brunswick Place are generally occupied by attached townhouses with private open spaces provided in their front balconies and small service yards are provided at their rear at ground level. 182 Brunswick Place (south/east corner of Brunswick Place (south) and Fitzroy Street) is occupied by a historic hall building which has been converted into a dwelling. It has secluded open space in the middle courtyard. Land located to the south is located within the Neighbourhood Residential Zone.
- To the **west** is Fitzroy Street, a roadway approximately 10 m in width, which accommodates one-way traffic (moving north to south). The footpath on the eastern side of Fitzroy Street (along the site) is interrupted by multiple crossovers which provide access to the existing parking spaces on site. There is no footpath immediately adjacent to the site.
- Further to the **west** and directly **opposite the site** on the other side of Fitzroy Street, properties 201 and 203-205 Fitzroy Street are occupied by a dwelling on each lot. 185-193 Fitzroy Street is occupied by the Christian Israelites Church. This property is included on the Victorian Heritage Register. 207 Fitzroy Street is occupied by a two-storey apartment building. Land located to the west is located within the Neighbourhood Residential Zone.

16. The site is also well serviced by community infrastructure in the area, which contribute to the social and economic vibrancy of the area and provide for the following key services:

- Atherton Reserve – approximately 140 m.
- Carlton Gardens – approximately 750 m.
- Royal Exhibition Building – approximately 650 m.
- Melbourne Museum – approximately 600 m.
- St Vincents Hospital – approximately 750 m.
- Brunswick Street shopping strip – approximately 130 m.
- Gertrude Street shopping strip – approximately 400 m.
- Sacred Heart School – approximately 170 m.

17. In summary, the subject site is well serviced by a range of amenities and services to service the everyday needs of residents, expected of any established urban settlement.

Heritage and character

18. The site is located within a precinct-wide Heritage Overlay – South Fitzroy Precinct (HO334). The Statement of Significance for the HO334 identifies the various elements of significance for the precinct, including subdivision layout and consolidation. In terms of development era, it states the following:

‘The main development period in the South Fitzroy Heritage Overlay Area is that of the Victorian era with a substantial contribution from the Edwardian period. There is also a contribution from some well-preserved inter war buildings and individually significant places of all eras.’

Broader context

19. The northern portion of the site is located within the Brunswick Street Major Activity Centre (BSMAC). This activity centre is a major commercial and retail area. The site benefits from a range of amenities and services including parks, schools, retail and public transport.

20. The BSMAC is predominantly comprised of 1-4 storey commercial developments. However more intensive built form exists within proximity to the site. Notably on the opposite side at 140 Brunswick Street is Atherton Gardens public housing towers. These towers have a maximum height of 21 storeys and front Brunswick Street (Refer to Figure 12). Likewise, 160 Brunswick Street is occupied by the associated Atherton Gardens Social Housing and Hub, which has a height of 7 storeys (Refer to Figure 13). These buildings are two examples of larger scale development within proximity to the site, which distinctively contribute to the existing streetscape.



Figure 12 – Photograph of Atherton Gardens public housing towers – Source: Application



Figure 13 – Photograph of Atherton Gardens Social Housing and Hub – Source: Application



Planning Policy Framework

21. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this assessment:
- Clause 02 – Municipal Planning Strategy
 - Clause 02.02 Vision
 - Clause 02.03 Strategic Directions
 - Clause 02.03-1 Settlement
 - Clause 02.03-3 Environmental Risks and Amenity
 - Clause 02.03-4 Built Environment and Heritage
 - Clause 02.03-5 Housing
 - Clause 02.04 Strategic Framework Plans
 - Clause 11 – Settlement
 - Clause 11.03-1L Activity Centres.
 - Clause 13 – Environmental Risks and Amenity
 - Clause 13.04-1S Contaminated and Potentially Contaminated Land
 - Clause 15 – Built Environment and Heritage
 - Clause 15.01-1S Urban Design
 - Clause 15.01-1L Urban Design
 - Clause 15.01-2S Building Design
 - Clause 15.01-2L Building Design
 - Clause 15.01-2L-01 Environmentally Sustainable Development
 - Clause 15.03-1L Heritage
 - Clause 16 – Housing
 - Clause 16.01-1S Housing Supply
 - Clause 16.01-1L Location of Residential Development
 - Clause 16.01-1L-01 Housing Diversity
 - Clause 16.01-2S Housing Affordability
 - Clause 16.01-2L Housing Affordability

Zoning and Overlays

Zoning

22. The site is located within the Commercial 1 Zone (C1Z). Refer to Figure 14.



Figure 14 – Zone plan– Source: Application

23. Pursuant to Clause 34.04-1, a permit is required to use the land for accommodation (dwellings) if any frontage at ground level exceeds 2 metres.
24. Pursuant to Clause 34.01-4, a permit is required to construct a building or construct or carry out works.
25. The purpose of the C1Z is:
 - To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
 - To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Overlays

26. The subject site is affected by the Heritage Overlay, Schedule 334 (HO334), the Built Form Overlay, Schedule 17 (BFO17) and the Development Contributions Plan Overlay, Schedule 1 (DCPO1).

Clause 43.01 – Heritage Overlay, Schedule 334 (HO334 – ‘South Fitzroy Precinct’)

27. Pursuant to Clause 43.01-1, a permit is required to demolish or remove a building and to construct a building or construct or carry out works.
28. The purpose of the HO include:
 - To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To conserve and enhance heritage places of natural or cultural significance.
 - To conserve and enhance those elements which contribute to the significance of heritage places.
 - To ensure that development does not adversely affect the significance of heritage places.
 - To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.



29. The building on the site is considered 'not contributory' to the South Fitzroy Precinct (HO334).

Clause 43.06 – Built Form Overlay, Schedule 17 (BFO17)

30. The subject site is included within a BFO17, Fitzroy Town Hall and Back Blocks. Clause 13.0 of BFO17 includes 'transitional provisions' stating that:

'the requirements of Clause 43.06 and this schedule do not apply to:

- An application made before the approval date of Amendment C271yara to this planning scheme'.*

31. Amendment C271yara was gazetted on 30 July 2026 and therefore consideration pursuant to the BFO17 do not apply. Refer to 'Planning Scheme Amendments' section of this report for more details.

Clause 45.06 – Development Contributions Plan Overlay, Schedule 1 (DCPO1)

32. The subject site is included within a DCPO. The site is located within Charge Area 5 – Fitzroy.

33. A planning permit is not triggered however under the provisions of the DCPO1, levies are payable for residential development prior to the commencement of any development.

34. The purpose of DCPO is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

Particular Provisions

Clause 52.06 (Car Parking)

35. Clause 52.06-2 specifies that before a new use commences, the number of car parking spaces required by Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority.

36. VC277 (gazetted on 18 December 2025) recently updated the car parking rates within Clause 52.06. Car parking requirements are now based on the Category afforded to a site within the associated car parking maps. The categories are allocated based on the accessibility of land to public transport and amenities, with Category 1 areas having the lowest accessibility and Category 4 areas having the highest accessibility.

37. The site is located within Category 3 and Category 4. Pursuant to Clause 52.06-5:

'If the land is shown in two or more categories on the CPR maps, the car parking requirements for the higher category applies to all of the land.'

38. This means the maximum car parking rates within Category 4 of Clause 52.06 are applicable. There are no minimum rates applicable to the site. A planning permit is required to exceed the maximum number of car parking spaces.

39. Figure 15 reflects the statutory requirements for the proposed development, as submitted by the applicant, which has been checked as being an accurate assessment.



Use	Maximum rate	Measure and applicable rate	Complies?
Dwelling	2 spaces per dwelling	63 dwellings provided. Maximum rate of 126 parking spaces can be provided.	Complies 108 car parking spaces provided.
Food and drink premises	1 space per 100sqm of net floor area	135sqm of food and drink tenancies provided. Maximum rate of 1 car parking space.	Complies 0 spaces provided.

Figure 15 – Statutory requirements for the proposed development – Source: Application documents

40. The table above indicates that no planning permit is triggered pursuant to Clause 52.06 given that the proposed number of car parking spaces do not exceed the maximum rate that can be provided.

Clause 52.34 (Bicycle Facilities)

41. Clause 52.34-1 specifies that a new use must not commence until the required bicycle facilities have been provided on the land.
42. For the proposed dwellings, the proposal generates a statutory provision of 13 spaces for residents and 7 spaces for visitors (20 spaces in total). Furthermore, no spaces are required for the proposed food and drink premises.
43. A total of 76 bicycle spaces is proposed within the development, comprising 68 spaces within the bike store room at Ground level and an additional 8 spaces in the open area at Ground level, accessible from Brunswick Place (east). It should be noted that an additional 5 motor bike spaces are located at Basement 2 level.
44. The proposal is in excess of the minimum requirements, therefore no planning permit is triggered under this clause.

General Requirements and Performance Standards

Clause 53.03 (Residential Reticulated Gas Service Connection)

45. Clause 53.03 applies to the construction of a new dwelling or a new apartment development.
46. Clause 53.03-2 requires the inclusion of the following mandatory condition be included in any permit to issue for a dwelling and for an apartment development:

‘Any new dwelling or apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the Yarra Planning Scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.’

Clause 53.18 (Stormwater Management in Urban Development)

47. Clause 53.18 applies to the buildings and works of this application. The clause includes standards and objectives relating to stormwater treatment and reuse.
48. Stormwater management is addressed in the submitted Environmentally Sustainable Design Report (ESD), prepared by Hip V. Hype. The report outlines how the proposal responds to the provisions of Clause 53.18.

Clause 53.25 (Great Design Fast Track)



49. The purposes of the GDFT is to:

- *To facilitate innovative dwelling, apartment and mixed-use residential development.*
- *To facilitate development that increases the density and diversity of dwellings to respond to Victoria's population growth.*
- *To facilitate the development of dwellings with convenient access to public transport, and community, retail and other services.*
- *To facilitate development that is of a high quality in its design, liveability and sustainability.*

50. The provisions of Clause 53.25 apply to this development given that all of the application requirements under clause 53.25-1 have been met as summarised within the table below.

Application requirement	DTP assessment
<i>The applicant submits written confirmation that the application is an application to which this clause applies.</i>	The applicant has provided a comprehensive planning report which confirms that the application is an application to which this clause applies. Complies – requirement met.
<i>The application includes the construction of at least eight dwellings.</i>	The application involves 63 dwellings. Complies – requirement met.
<i>Any proposed building contains at least two storeys and not more than eight storeys.</i>	The application is for a maximum 8-storey building. Complies – requirement met.
<i>The proposed development achieves a minimum NatHERS rating of:</i> • <i>8.0 stars average, with no individual dwelling less than 6.5 stars for apartment developments.</i> • <i>7.5 stars for all other dwellings.</i>	The submitted ESD report confirms that the dwellings achieve an 8.0 star average, and no individual dwelling will achieve less than 6.5 stars. Complies – requirement met.
<i>Each proposed dwelling provides effective natural ventilation, which includes cross ventilation, single sided ventilation or mechanically assisted ventilation.</i>	The submitted ESD report confirms that 100% of the apartments provide effective natural ventilation, which includes cross ventilation, single sided ventilation or mechanically assisted ventilation, in accordance with this requirement. Complies – requirement met.
<i>The Minister for Planning has advised in writing that they are satisfied the proposed use or development of land for accommodation (other than camping and caravan park, group accommodation, residential hotel and small second dwelling) is of significance having regard to:</i> • <i>The purpose of clause 53.25.</i> • <i>Whether the quality of the design, liveability and sustainability of the proposed development meets the design principles published by the Minister for Planning on the Department's Internet site for the purposes of clause 53.25 ('the design principles').</i> • <i>The location of the proposed development and whether it has convenient access to jobs, services, infrastructure and community facilities.</i> <i>Information demonstrating that the proposed development meets the design principles is provided to the satisfaction of the Minister for</i>	By way of DTP eligibility letter issued on 8 April 2026, the letter confirms that: • The proposed development is consistent with the purpose of Clause 53.25 – Great Design Fast Track. • The quality of the design, liveability and sustainability of the proposed development meets the design principles published by the Minister for Planning, as advised by the Office of the Victorian Government Architect (OVGA) on 4 February 2026. • The proposed development has convenient access to jobs, services, infrastructure and community facilities. • The OVGA has provided a detailed report dated 4 February 2026 assessing the application against the GDFT principles (addressed to the Minister for



Planning. This must include written advice from the Office of the Victorian Government Architect to the satisfaction of the Minister for Planning.

Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister for Planning. This must include written advice from the Chief Executive Officer or delegate, Invest Victoria (Department of Jobs, Skills, Industry and Regions) to the satisfaction of the Minister for Planning.

Planning) during the pre-application phases. Furthermore, a letter dated 4 February 2026 addressed to the Minister for Planning from the OVGA was prepared confirming that the proposal meets the design principles and supports the proposal for entry into the GDFT pathway.

- Invest Victoria, under delegation, has provided written advice indicating that the project is financially feasible on 31 March 2026.

Complies – requirements met.

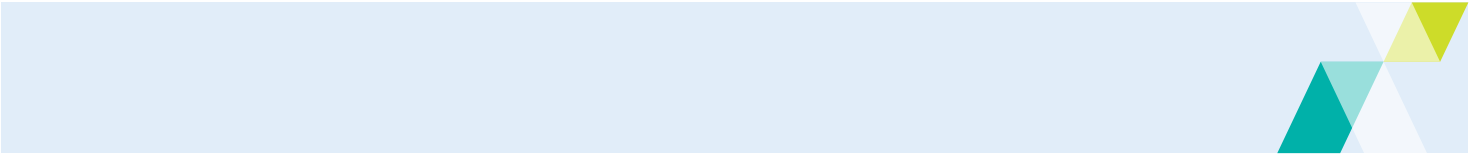
51. On this basis, the provisions of Clause 53.25 are applicable to this application.
52. Furthermore, it should be noted that Clause 53.25-2 allows the responsible authority to waive or vary any of the following:
- A minimum garden area requirement.
 - Any building height or setback requirement.
 - A condition opposite a use in Section 2 in a zone or a schedule to a zone.

Clause 58 (Apartment Developments)

53. Clause 58 applies to an application for an apartment development if the apartment development is in the Commercial 1 Zone. Clause 58 applies to all dwelling/apartments, except for the 7 townhouses, namely TH.01 to TH.07.
54. A development must meet all of the objectives and should meet all of the standards.
55. A detailed assessment against Clause 58 has been undertaken at **Appendix A** of this report.

Planning Scheme Amendments

56. **Amendment C271yara** to the Yarra Planning Scheme (the Scheme) sought to apply permanent built form controls to land in the Fitzroy and Collingwood Major and neighbourhood Activity Centres, delete redundant mapping, apply the heritage Overlay in two places permanently, rezone several properties in the municipality and make other associated changes to the Yarra Planning Scheme.
57. Of relevance to this application, Amendment C271yara sought to rezone the land at 64-66 Hanover Street, (referred to in this report as the 'Southern Parcel' and which was within the NRZ prior to 30 July 2026) to C1Z. The amendment originally sought to introduce DDO34, Design and Development Overlay, Schedule 34, (Fitzroy Town Hall and Back Blocks) to the Scheme. However, it was translated into a Draft Built Form Overlay, Schedule 17 (BFO17). The Draft BFO17 included built form controls for heights, street walls, setbacks, overshadowing, amongst other design objectives.
58. The amendment was considered at a Standing Advisory Committee (SAC) between 8 and 24 April 2026. The SAC report was released on 11 June 2026 and included the following recommendations that affect the site:
- Amend overshadowing requirements to be discretionary for streets less than 15 m in width.
 - Amend Table 4 (Setbacks above street wall and front walls) to:
 - A discretionary 6 m upper level setback for the primary frontage.
 - A discretionary 3 m upper level setback on all streets.
 - Amend Table 3 (Street wall height) to show a discretionary street wall requirement specific to the site.

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59. The Council, at its meeting of 14 July 2026, resolved to adopt the amendment, including the above changes recommended by the SAC, with the exception of a discretionary street wall height requirement specific to the site.
 60. On 30 July 2026, Amendment C271yara was gazetted. As such, the land at 64-66 Hanover Street (referred to as the Southern Parcel') has been rezoned to C1Z, consistent with the rest of the site. Furthermore, transitional provisions apply to the BFO17 that state that the BFO and the Schedule do not apply to an application made before the approval date of Amendment C271yara.



Referrals

62. The application was referred to the following groups:

Provision / Clause	Organisation	Date response received
Section 55 Referral – Determining – (Clause 66.02-11, for ‘a residential development comprising 60 or more dwellings or lots’)	Head, Transport for Victoria	12 June 2026

63. Head, Transport for Victoria (**HTfV**) provided a response on 12 June 2026 confirming no objections to the grant of a permit and did not recommend any conditions to be included on the planning permit.

Notice

64. The application **is not exempt** from the notice requirements of section 52(1)(a), (b) and (d), pursuant to Clause 32.09 (NRZ), Clause 34.01 (C1Z) and Clause 43.01 (HO) of the Scheme.

65. The application **was not exempt** from the notice requirements of section 52(1)(a), (b) and (d), pursuant to Clause 32.09 (NRZ) of the Scheme, at the time when notice was given.

66. However, **Clause 53.25-4** (GDFT) of the Scheme **exempts** the decision requirements of sections 64(1), (2) and (3) and the review rights of section 82(1) of the Act for an application under any provision of the Scheme.

67. The applicant was directed to give notice by way of erecting two signs on the site and notifying adjoining and nearby owners and occupiers.

68. Department of Transport and Planning (DTP) gave notice to the relevant municipal Council (Yarra City Council).

69. A total of 17 objections (including from the Council) were received at the time of this report raising key concerns with the following themes:

- Built form including:
 - Height of building
 - Height of street walls and upper level setbacks (to Hanover and Fitzroy Streets)
 - Overshadowing and overlooking
 - Impact to surrounding heritage precinct
 - Inconsistency with Planning Scheme Amendment C271yara
 - Brunswick Place interface and preservation of equitable development.
- Traffic and car parking including:
 - Network congestion
 - Ramp grade and vehicle access
 - Car parking
 - Pedestrian sightlines
 - Waste truck access.

- Other including:
 - Live music venue
 - Stormwater
 - Survey/construction impacts
 - Contamination
 - Lack of DDA compliance and accessible apartments
 - Procedural unfairness with Clause 53.25
 - Orderly planning regarding road discontinuance
 - Exacerbation of anti-social behaviour
 - Absence of Acoustic report
 - Absence of Environmental Audit Report
 - Loss of tree canopy.

70. The matters raised in objections are discussed in detail throughout the assessment section of this report.

Municipal Council Comments

71. Yarra City Council (the Council) was notified of the application under section 52(1)(b) of the *Planning and Environment Act 1987*.

72. The Council considered the application at its Planning Decisions Committee Meeting on 28 July 2026. The Council resolved to object to the proposal on the following grounds:

- a) The development will result in an inappropriate heritage response and is inconsistent with the objectives and decision guidelines of the Heritage Overlay and Clause 15.03-1L of the Yarra Planning Scheme.
- b) Until such time as the land is rezoned, the development does not meet mandatory requirements of the Neighbourhood Residential Zone relating to garden area and maximum building height.
- c) The development substantially does not comply with Draft Built Form Overlay – Schedule 17.
- d) The development lacks an adequate public realm response.
- e) The allocation of commercial floor space is insufficient, failing to provide a development that aligns with the purpose of the Commercial 1 Zone, and with inadequate floor-to-ceiling heights and lack of adaptability.
- f) The bicycle parking provision for visitors is insufficient and the bicycle parking design for residents and employees does not comply with Clause 52.34 of the Yarra Planning Scheme and AS2890.3.
- g) The development comprises built form outside of the title boundaries.

73. The Council also advised that DTP obtain a peer review of the submitted wind and acoustic reports. The Council also provided permit conditions that should be included should the responsible authority issue a permit.

74. The above was formalised in a letter by the Council dated 30 July 2026.

75. The key matters raised by the Council and a response are included in detail throughout the Assessment section of this report and at **Appendix B**.

Strategic Direction

77. The Planning Policy Framework encourages appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning. It is noted that the provision of greater density in an activity centre location builds upon the principles for Plan for Victoria and adds to the vibrancy and economic vitality of the major activity centre. For the reason outlined above, the proposal accords with Clause 11.03-1L (Activity centres). The proposal provides 63 new dwellings on a well-located, underutilised site. It will assist Yarra in meeting the local housing target for 44,000 new dwellings by 2051, consistent with Clause 16.01-1S (Housing Supply) and Clause 16.01-1L (Location of Residential Development). Furthermore, the Municipal Planning Strategy and Planning Policy Framework in the Yarra Planning Scheme has been considered in detail in the assessment of this application.
78. As previously noted, a planning permit is not required for the use of the land as a food and drink premises. However, a planning permit is required for the use of the land for dwellings, as the ground-level frontage exceeds 2 metres. The land is zoned C1Z and is identified as an 'Incremental Change' area under Clause 16.01-1L (Location of Residential Development). The proximity of the site to public transport, the Brunswick Street Major Activity Centre and other local amenities make it a suitable location to support a higher density residential development consistent with the purpose of the C1Z (Refer to Figure 16).

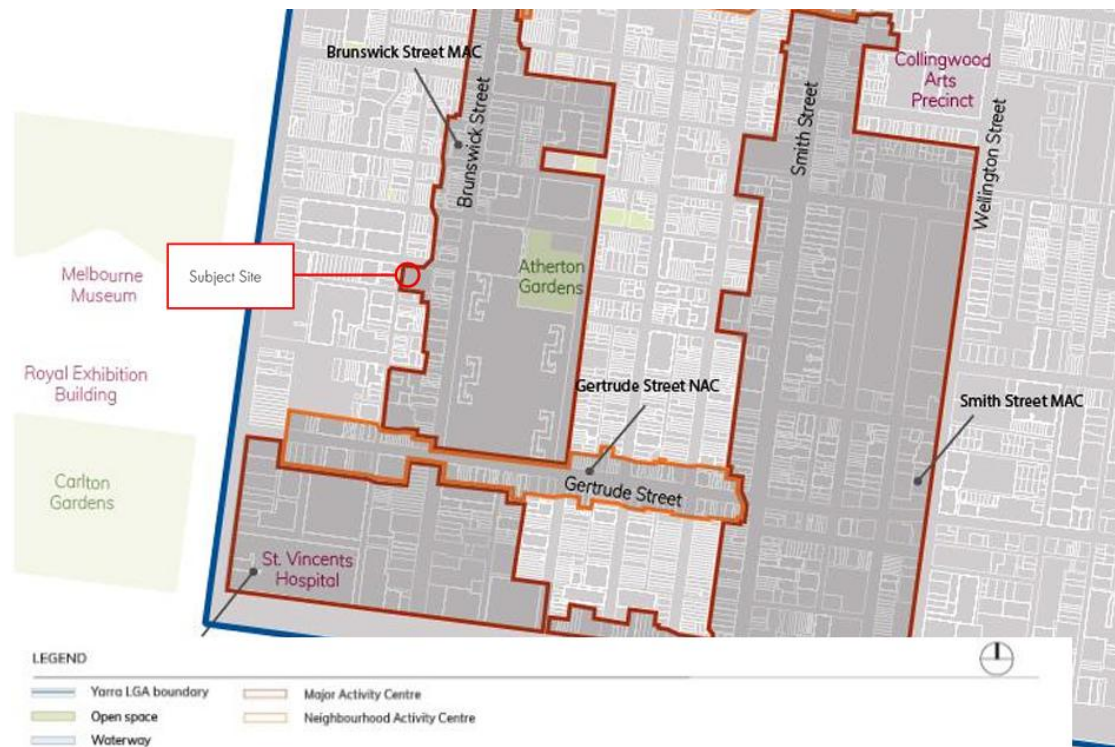


Figure 16 – Blow up of the Strategic Framework Plan, including the Brunswick Street Major Activity Centre – Source: Application

79. The proposed development will benefit from access to the existing services situated in BSMAC, with the future residents likely to support local businesses and further enhance the social and economic role of the centre. Further, the development is reflective of sustainable urban growth through building on an opportunity for infill development in a well serviced and established area, with public open space, civic and educational facilities, retail and services and public transport connections all within close proximity to the site. The development of this site for medium density housing will result in the realisation of a 20-minute neighbourhood for the future residents, which on account of the varied apartment typologies, will offer choice in housing for a number of family/living structures in accordance with Clause 15.01-4S (Healthy Neighbourhoods).



80. The proposed development will provide a high-quality mid-rise development within a major activity centre which has been designed to sensitively transition to the surrounding residential interfaces (particularly to the south and west) and will provide significant improvements to the public realm, particularly along Fitzroy Street (where a footpath will be established. Further, it is noted that the provision of greater density in a major activity centre location builds upon the principles for Plan for Victoria and adds to the vibrancy and economic vitality of the BSMAC. For the reasons outlined above, the proposal accords with Clause 02.03-1 (Settlement) and Clause 11.03-1L (Activity centres).
81. The proposed development will provide 63 new dwellings on a well-located and underutilised site, which will assist Yarra City Council in meeting the local housing target, consistent with Clause 16.01-1S (Housing supply), Clause 16.01-1L (Location of residential development).
82. The proposal provides a diverse range of housing stock, which caters to a range of household types and affordability levels. This includes the provision of one, two, three and four bedroom apartments, townhouses, as well as the unique 'duplex' housing typology. Dwellings also have the potential in future to be adapted to suit emerging needs, such as through being merged with adjoining apartments (to create larger apartments) or split (into smaller apartments). Dwelling diversity is further complemented through dwellings having different sized rooms, varied number of bathrooms, different open space options and outlook conditions. Housing is also provided that is accessible, ensuring that people with limited mobility are also provided with housing options on site. Finally, the supply of a greater number of dwellings will assist in increasing supply, which plays a critical role in stabilising housing pricing. For these reasons, the proposal accords with Clause 02.03-5 (Housing), Clause 16.01-1L-01 (Housing diversity), Clause 16.01-2S and 16.01-2L (Housing affordability).
83. The proposal aligns with the relevant policy outlined in Clause 15. It seeks to deliver a sustainable development which will positively contribute to the wider character and context of Fitzroy. The proposal seeks to incorporate positive urban design, building design and heritage elements into the development.
84. The proposal aligns with Clause 02.03-4 (Built environment and heritage), Clauses 15.01-1S and 15.01-1L (Urban Design), Clauses 15.01-2S and 15.01-2L (Building Design) and Clause 15.03 1L (Heritage) as follows:
- The proposal will contribute positively to the surrounding context. It has been designed to respond to its context within an eclectic character area, step down towards the lower rise residential areas and provide a high quality of design detail that interprets the surrounding historical architecture in a contemporary manner.
 - The site is a significant land holding within an established urban area. It is an 'island site', with only one adjoining property (also within the C1Z) and no other directly adjoining residential properties. Its setback from Brunswick Street means it will not impact the heritage streetscape. This provides an excellent opportunity for appropriate housing intensification.
 - The highest parts of the building have been sited in the north east of the site, adjoining the rear of the commercial buildings along Brunswick Place (east), which is considered to be the least sensitive part of the site. The building then steps down towards the west and south, which ensures appropriate protection of residential amenity (such as through overshadowing) for the lower rise residential properties opposite to the west and south. This ensures that rather than the proposal reading as an 8 storey building, it will read between 3 to 8 storeys dependant on where it is viewed from.
 - The proposal incorporates a material and finishes palette which is informed by the unique heritage and character of the South Fitzroy Precinct. This includes the use of fine grained materials (such as tiles) on the plinths of the ground floor frontage, similar to the materials used in the details of some of the older pubs within the area. The use of a contemporary cream brick defines the townhouses, whilst a brown brick defines the apartments, integrating into the palettes of materials surrounding those parts of the building. Textured concrete at the upper levels creates a robust and durable presentation for the upper levels, whilst design details such as metal and aluminium screens, shade cloth awnings and the like create a visually interesting built form.
 - The only heritage building which directly abuts the site is located on 4-6 Brunswick Place. The development has a maximum building / street wall height of 3 storeys to this the primary street frontage (southern portion of



Brunswick Place). This is slightly higher than 4-6 Brunswick Place (2 storeys) but is enhanced by a generous setback to the southern boundary of the site.

- Brunswick Place (to the east) will be significantly improved by the proposal. The food and drink tenancies will wrap around into the laneway, providing activation and passive surveillance. The bicycle store and workshop also provide for new uses within the environment, encouraging use throughout the day. Apartment balconies above also provide further surveillance to these spaces.
 - The proposal incorporates appropriate ground level setbacks, providing generous public realm contributions to Hanover Street (weather protection to the footpath above food and drink tenancies and lobby, allowing space for footpath activation) and Fitzroy Street (deep soil landscaping where there are currently multiple inappropriate vehicle crossovers).
 - The proposed car parking access and services have been oriented towards Brunswick Place (south and east). This ensures the balance of the 'main street frontages' are kept free of car parking facilities and services.
 - The massing of the building also ensures there are no unreasonable amenity impacts to surrounding properties. (This will be discussed in more detail later in this report).
85. The proposed development provides an Environmentally Sustainability Design (ESD) report which demonstrates that the dwellings achieve an 8.0 star average, and no individual dwelling will achieve less than 6.5 stars. This achieves best practice in environmentally sustainable development, consistent with Clause 02.03-3 (Environmental risks and amenity), Clause 15.01-2S (Building design) and Clause 15.01-2L-01 (Environmentally sustainable development).
86. A Preliminary Site Inspection (PSI) was undertaken in January 2026 to investigate the previous uses that have occurred on the site to determine whether there is likely to be any contamination that needs to be remediated prior to any sensitive use occurring on site. A Detailed Site Investigation was also undertaken in which it found that the future land use of residential is not restricted by any existing contamination on site and that no further soil or groundwater investigation was recommended, thus addressing Clause 13.04-1S (Contaminated and potentially contaminated land).
87. Overall, the proposed development responds appropriately to the strategic direction that has been established for Fitzroy pursuant to the Scheme.

Land Use

88. The proposed retail uses (food and drink premises), located within the C1Z is a Section 1 uses, meaning no permit is required for the use of the land and therefore do not require planning permission.
89. The residential dwellings (comprising townhouses and duplex dwellings) require planning permission because four of the duplex dwellings, (namely G.03, G.04, G.05 and G.06) and four of the townhouses, (namely TH.01, TH.02, TH.03 and TH.04) have a ground floor frontage that exceeds 2 metres, which is the threshold for whether accommodation requires permission under Clause 34.01-1, within the C1Z land.
90. There is strong strategic basis for the proposed use at this site, as described in detail under the strategic direction assessment contained above in this report, which states that the site's location is suitable to accommodate a higher density residential development. Furthermore, the main residential entrance is located directly opposite existing residential uses on the northern side of Hanover Street, with townhouses/duplexes provided at the southern and western ground floor interface which seek to provide an appropriate interface with the existing Neighbourhood Residential Zone in this location.
91. With regard to the decision guidelines of the C1Z relevant to land uses, the proposal is acceptable because the site is well serviced and the proposal has been designed so it can exist without unreasonable noise impact from surrounding retail uses. In addition, the proposal is in an established area with availability to and connection to services and traffic and drainage outcomes are considered below.

Buildings and Works

Height and massing of the building

92. As outlined above, Amendment C271yara sought to delete the Design and Development Overlay (DDO) from the site and introduce BFO17. While the requirements of BFO17 do not formally apply to the proposal due to the transitional provisions of the amendment, consideration has nevertheless been given to the height and setback provisions of BFO17. This assessment assists in understanding the preferred and emerging built form character envisaged for the area and provides a useful benchmark against which the proposal can be considered.
93. The table below summarises the relevant built form controls relating to overall height, street wall height and setbacks above street wall as part of the recently adopted BFO17. It includes the Standard, the requirement, what is proposed and whether it complies or if a variation would normally need to be sought.

BFO17	Requirement	Proposed	Complies / Variation sought
Std BFO2 – Building height	Discretionary – 6 storeys / 21.0 m	(Part) 8 storeys / 28.18 m along Hanover Street. Balance is 3 to 5 storeys.	No Variation: 2 storeys (7.19 m)
Std BFO5 – Street wall height	Discretionary – 3 storeys / 11.2 m to all streets	4 storeys / 15.16 m street wall along Hanover Street - Along Fitzroy Street, the first 18 m from the intersection of Hanover Street will be 4 storeys / 13.4 m to 14.1 m. - Balance along Fitzroy Street towards Brunswick Place (south) reduces to 3 storeys / 11 m.	No Variation: 1 storey (~3.6 m) No Variation: 1 storey (~2.9 m) Yes
Std BFO5 – Street wall height	Discretionary – Match adjoining heritage building (4-6 Brunswick place) for a length of 6 m	3 storeys / 9.4 m street wall to Brunswick Place (south)	Yes
Std BFO5 – Setbacks above street wall and front wall	Discretionary – 6 m upper level setback for primary frontage (Hanover Street)	3.02 m upper storey setback to Hanover Street	No Variation: 2.98 m
Std BFO5 – Setbacks above street wall and front wall	Discretionary – 3 m upper level setback for all other streets (excluding Hanover Street)	4.55 m upper storey setback to Fitzroy Street No upper level to Brunswick Place (south) Note: There is no requirement for an upper level setback to Brunswick Place (east).	Yes Yes

94. The table above demonstrates that there are a number of variations sought, the most significant being in relation to maximum overall height being 8 storeys, which is two storeys more than the discretionary 6 storey requirement of the



new BFO17. Other variations sought are to the street wall height to Hanover Street (one additional storey) and the street wall height to part of Fitzroy Street (one additional storey). The proposed variations are discussed below.

Building Height

95. It is noted that the majority of submissions, including that of Council raise concerns to the above variations sought, however it is considered that the variations sought for height and setbacks are satisfactory. Concerns were raised about the visual impact of the height, its consistency (or inconsistency) with the surrounding heritage streetscapes, its inconsistency with Amendment C271 (now the recently adopted BFO17) and overshadowing impacts.
96. In response, the site provides a substantial infill opportunity within a well located and highly amenable area that is capable of accommodating a new built form that can accommodate dwelling growth, which can assist in meeting the need to provide 44,000 new dwellings within the City of Yarra by 2051 (as outlined within Clause 16.01-1S of the Yarra Planning Scheme). Attributes of the site that contribute to it being able to accommodate increased development and height include:
- The site is an 'island site' surrounded entirely by roads and laneways (with the exception of the interface with 4-6 Brunswick Place, which is a commercially zoned property). It does not have any direct interfaces with residential properties or residentially zoned properties.
 - The site is substantial in size (2,400sqm), in an area where lot sizes are typically small and ownership is fragmented.
 - The site is located behind Brunswick Street, minimising any impact to pedestrian amenity or the built form character of Brunswick Street.
 - The existing buildings were constructed in the 1980's and are non contributory. The existing conditions of the site provide little landscaping and includes large areas of open air car parking to the rear.
97. Specific to the site, the SAC for Amendment C271 also stated in its final report that:
- 'This is an important strategic development site that can accommodate increased development while managing and protecting sensitive interfaces. The site abuts but is outside the WHEA the west (with a non-sensitive interface). The Committee is satisfied combination of built form controls can achieve acceptable heritage outcomes while providing greater development opportunity.'*
98. Furthermore, the building has been designed with the tallest section oriented to the least sensitive interface (being the north eastern corner, adjoining a laneway and the rear of the commercial properties along Brunswick Street). The building steps down towards the lower scale, finer grained streetscape towards the south west along Fitzroy Street, with a series of 3 storey townhouses along Fitzroy Street and Brunswick Place (south).
99. The Urban Context Report, prepared by SJB, show how the height of the building has been appropriately designed to respond to these interfaces. Rather than apply a blunt 6 storeys across the site, (as could be pursued under the recently approved BFO17), the proposed development provides a more contextual response, adjusting height at different locations to integrate within the surrounding context. Figure 17 includes the 3d model prepared by SJB Architects showing how height has been adjusted across the site.



Figure 17 – 3D model showing how height is adjusted across the site – Source: Application

100. Figure 18 includes the Hanover Street elevation and demonstrates an appropriate transition to the existing built form and surrounds. The four-storey street wall height achieves a 1:1 ratio with the street and provides a strong built form response at the ‘main street’ frontage of the development. The four storeys sit contextually on land within the C1Z within a streetscape that has heights ranging from two to three storeys. Arched openings at the ground floor provide a sense of depth at the human scale, whilst the mid-block break in the street wall also provides a visual break, thus providing a suitable response.



Figure 18 – Context elevation to Hanover Street– Source: Application

101. A four-storey street wall along Fitzroy Street steps down to three storeys further south along Fitzroy Street. The four storeys provide a strong interface to the Fitzroy Street and Hanover Street corner, whilst the stepping down ensures appropriate integration with the surrounding one to two storey heights on the opposite side of the street. The re-instatement of a footpath along Fitzroy Street, as well as the provision of canopy tree planting along the street, provides a sense of generosity back to the pedestrian realm.



102. A three-storey street wall along Brunswick Place (south) for the townhouses, sits comfortably in the surrounding context, while also complying with the discretionary three-storey street wall requirement of the BFO17. It steps carefully to the heritage building at 4-6 Brunswick Place, whilst not overwhelming its presence along the street. A landscaped setback provides generosity back to the pedestrian realm, with space for smaller scale landscaping.
103. Finally, the Office of the Victorian Government architect (OVGA) confirmed eligibility of the proposed development under the Clause 53.25 planning pathway. This includes support for the height of the building, in which OVGA has stated in their comments (**bolded** for emphasis);
- **The overall building height is acceptable for the local and immediate area.**
 - **Building massing responds effectively to the differing conditions of the site, the adjacent built form and the varying street corners and interfaces.**
 - **Massing is broken up into a family of distinct building forms, varying in height from three to eight storeys. These varied elements and separate forms help articulate the scale of the development allowing it to be read as a series of buildings, complementary to the scale and grain of the area.**
104. Furthermore, the Heritage advice memo, prepared by Lovell Chen, confirms that the building height is appropriate and will not detriment the surrounding heritage precinct.

Height of the street walls and upper level setbacks (Hanover Street and Fitzroy Street)

105. Several submissions, including that of the Council, raised concerns with the scale of the proposed street wall heights of four storeys to Hanover Street and Fitzroy Street. They have also indicated that this is not consistent with the (then) proposed street wall heights within Amendment C271yara which proposed mandatory controls.
106. BFO17 specifies a three-storey street wall frontage to Hanover Street, Fitzroy Street and the southern side of Brunswick Place. It also requires an upper-level setback of 6 metres from Hanover Street and 3 metres from Fitzroy Street and the southern side of Brunswick Place.
107. The 4 storey street wall height to Hanover Street (in lieu of the approved discretionary 3 storey height requirements within the BFO17, is considered appropriate for the same reasons outlined above. Additional reasons include:
- The OVGA confirmed its support for the proposed street wall height, noting a '*legible street wall along Hanover Street*'.
 - The street wall maintains a 1:1 ratio with the street width, ensuring a comfortable pedestrian experience and minimising visual bulk to properties on the northern side of the street.
 - A considerable setback of 3m to 4.03 m is provided for part of the ground floor setback to Hanover Street, which provides a covered outdoor area that can be used by the retail tenancies and for those entering and exiting the building. This provides additional 'breathing space' along the footpath, an improvement from the existing street wall constructed to the street boundary at the ground level.
 - For the balance of the frontage, the duplex dwellings will provide their private open space within the frontage, with metal screens balancing the need for privacy whilst providing passive surveillance. Their transparency and limited solid elements assist to break up the built form in this location and provide a pedestrian scale street wall.
 - The street wall will be finished with a high architectural quality, including robust materials and finishes such as brick and terracotta coloured concrete oxide, as well as curved arches on columns which frame the glazing behind. Balconies at upper levels also assists in providing a sense of openness to parts of the street wall, in addition to the visual break provided between the duplex dwellings and the balance of the building.
108. The proposed 3 and 4 storey street wall height to Fitzroy Street (in lieu of the approved discretionary 3 storey height requirements within the BFO17, is considered appropriate for the following reasons:

- The proposed 4 storey street wall to Fitzroy Street is oriented to the corner of Hanover Street. By being limited to this area, it creates an appropriate and robust gateway into the Brunswick Street Activity Centre and does not overwhelm the lower scale of buildings opposite.
- The balance of the 3 storey street wall to Fitzroy Street is largely consistent with the discretionary 3 storey street wall height included in the BFO17. It's setback from the street provides space for canopy tree planting, while the re-instatement of the footpath will provide significant public realm benefits.
- The 3 storey wall height to Brunswick Place (south) also aligns with the street wall heights included in the BFO17.

109. The proposed development includes upper level setbacks to Hanover Street of 3.02 m and 4.55 m to Fitzroy Street. While the BFO17 requires discretionary minimum setbacks of 6 m and 3 m to Hanover Street and Fitzroy Street respectively, the variation to Hanover Street is considered appropriate given:

- The OVGA has supported this element, noting that *'setbacks at the upper levels of the apartment block reduce the perceived height from the street.'*
- The podium and upper levels will still appear as distinct parts of the building (given the darker colour of the podium and lighter colours of the upper levels). This is shown on the Hanover Street elevation in Figure 17 above.
- The orientation of the street north of the site minimises any shadow impacts to the streetscape or properties opposite.

Heritage

110. Clause 15.03-1L seeks to promote high quality development that is respectful in its design response to the significance of the area, as well as ensuring that new development is not visually dominating within heritage streetscapes.
111. Several submissions have been received which mention the proposal's inconsistency with the South Fitzroy Precinct (HO334) and associated local policy. Objectors have expressed that the proposals height, bulk and mass are inconsistent with the established heritage precinct and that the proposed development will disrupt the heritage streetscape.
112. Furthermore, the two storey building located at 4-6 Brunswick Place (directly adjoining the site to the south and to the east) is considered 'contributory' to the HO334 and therefore the interface with this building must not overwhelm this heritage building.
113. This report provided detailed responses earlier as to why the height, street walls and upper-level setbacks are appropriate and won't be repeated here. These reasons can also be applied in the context of the HO. However, when considering the proposed development in the context of the HO, it is noted that:
- The proposed demolition is considered acceptable in accordance with Clause 15.03-1L noting that the existing building on the site is non-contributory to the heritage precinct. Its demolition will allow for a replacement built form that better references and compliments the surrounding heritage precinct.
 - Whilst the existing building is of similar scale to surrounding buildings (with a two storey height), it has a form and materiality which contrasts to the balance of the surrounding area. This includes a glassed façade, large open air car park, little provision of landscaping, little references to the surrounding heritage built form and a façade with little articulation or material variation.
 - The proposed replacement building has been designed to complement the surrounding heritage streetscape, consistent with Clause 15.03-1L - Heritage of the Yarra Planning Scheme, with the following noted:
 - The OVGA supports the proposed architecture of the building, noting that (**bolded** for emphasis):

- The proposal **contributes positively to the street** through the **considered building form, resolution of the façade expression and use of enduring materials**.
- The proposed development is larger than other buildings in the immediate vicinity and within the context of the fine grain heritage setting of the South Fitzroy heritage precinct. However, the **massing, location of setbacks, and concentration of building form and height to the east of the site effectively respond to the context and seek to minimise impacts on adjacent streetscapes**.
- The **material palette references and complements** the mixed materiality of the buildings that make up the unique heritage character of the southern Fitzroy area.

- The building incorporates covered open areas at the street levels, reflecting the manner in which some of the older terrace houses include covered porches constructed to the street boundary.
- The street walls have been broken up through vertical elements, including columns or design features that emphasise the edge of each townhouse or apartment. This provides subtle references to the boundary nature of older terrace houses in the area, which provide breaks in their presentation through their projecting party walls.
- The massing of the building has been oriented to ensure it provides appropriate separation to surrounding heritage buildings, ensuring it does not overwhelm the presentation of these buildings. This is evident through:
 - The three storey townhouses provided at the southern part of the site, stepping towards the finer grained heritage buildings to the south along Fitzroy Street.
 - The 1:1 ratio of street wall to street width along Hanover Street provides an appropriate separation to the terraced houses opposite.
- The proposed details of the street interfaces have been designed to complement (but not mimic) design cues found in the surrounding area. The submitted Urban Context Report prepared by SJB, provides detail of these elements, which include (but are not limited to):
 - Use of curved arches to the open areas, framing the glazing or open area behind, which references the way in which glazing areas on older buildings were clearly defined by hard elements of the building which provided a framing.
 - Use of contemporary earthy tones, which provide a contemporary interpretation of some of the earthy tones used in older buildings.
 - Use of metal screens, which provide a contemporary interpretation of the ornamental metal features of older buildings.

114. In addition to the above, the interface with 4-6 Brunswick Place has also been carefully designed to ensure it does not overwhelm this heritage building. This has been achieved through:

- The 3 storey height proposed directly adjacent to 4-6 Brunswick Place appears only slightly higher than 4-6 Brunswick Place, given the larger floor to floor heights of the heritage building. This ensures a gradual stepping down to the heritage building so that the proposal does not overwhelm the building.
- The façade of the apartment adjacent has been setback further than the balance of the façade (as well as the façade of 4-6 Brunswick Place). Within the setback is a semi enclosed balcony, which provides a sense of openness directly adjacent to 4-6 Brunswick Place. The cream finish of the proposal directly adjacent to 4-6 Brunswick Place also ensures that the façade does not mock the heritage façade, but rather, appears as a distinctly different building.



115. Furthermore, the development has been assessed as being an appropriate heritage response, as outlined within the Heritage advice memo, prepared by Lovell Chen.
116. It should be noted that while Council's Heritage Adviser does not support the 4 storey street wall along Hanover Street frontage or the overall building height of 8 storeys, it does support the section of built form at the corner of Hanover and Fitzroy Streets, as it gives the development definition at this corner location. The Council also generally supports the remaining street wall heights proposed.
117. The Council raised concerns regarding the lift wells and lift overruns on the roof terraces of townhouses, that potentially would be visible when viewed from the public realm, given they are located towards the front of the townhouse roof terraces. The Council consider that the overruns add unnecessary bulk to the dwellings and are generally not consistent with the character of roofs in the heritage precinct. However, in response, the lift overruns have been appropriately integrated into the presentation of the townhouses, with finishes mimicking the finishes of balustrades and fencing on lower levels, as well as the podium for the apartment building. This provides for visual articulation and breaks within the townhouse forms.
118. Furthermore, the lift overruns are significantly below the 6 storey height limit permitted under the BFO17, thus a lift overrun above a three storey townhouse is not considered to have an unreasonable visual impact.
119. For the reasons stated, conditions to require changing the location or concealing the lift overruns will not be included in any permit to issue.

Response to Great Design Fast Track Design Principles

120. A response against the 7 'design principles' and how the proposed development achieves the principles is provided below.

Design principle	Response
Principle 01: Neighbourly homes Enhancing local identity by embracing change and generating lasting social value.	General: This principle is achieved through high quality street and internal building interfaces that pick up on the surrounding character of Fitzroy. Specifically, it has drawn inspiration from the surrounding warehouses, and Victorian and Edwardian era-terrace details, and landscaped character. The proposal involves duplexes and townhouses, which provide active residential frontages through landscaped front setbacks to Hanover Street and Fitzroy Street. Similar to some of the traditional terrace houses in the area, the townhouses are provided with a 'vertical' side by side layout, with entrances directly accessible from the street. Windows also provide passive surveillance of the street at each level. This creates a sense of address and contributes positively to the streetscape. The proposal involves improvements to the public realm, particularly on Fitzroy Street, where the footpath has been fragmented by multiple vehicle crossovers and car parking directly accessible from the street. The proposal will re-instate the footpath, close all vehicle crossovers and provide canopy tree planting along the street, creating an excellent pedestrian environment. Recommended suggestions by OVGA were appropriately responded to.



Principle 02: Welcoming homes Creating welcoming and safe homes that promote a sense of family and community.	General: Generously sized communal spaces, improvements to the public realm and the encouragement of pedestrian and cycling activity in and around the site will encourage incidental social interactions and foster a sense of community within the proposed development. Passive surveillance within the development will allow for a sense of safety and visibility. Recommended suggestions by OVGA were appropriately responded to.
Principle 03: Landscaped homes Enhancing local biodiversity, natural systems and connections to nature.	General: The proposed development will result in a significantly improved landscape outcome on site, particularly compared to the existing conditions. A setback along Fitzroy Street will allow for the provision of deep soil canopy tree planting along the street. This will provide significant public benefit, providing shade for pedestrians and an extension of the existing mature canopy cover on the opposite side of the street. It also provides additional 'breathing space' and a sense of openness for the footpath, whilst providing shade to the habitable room windows of the dwellings directly behind the trees. The internal communal courtyard has been designed to provide different landscaped experiences within the area that is shaded, and the area that is in sunlight. This will enhance the use of these two areas for different recreational purposes. The use of berms for soil also allows the provision of canopy trees. The rooftop terrace will also be landscaped, as will various planter boxes across the development. This further enhances local biodiversity and assists with greening the surrounding context Recommended suggestions by OVGA were appropriately responded to.
Principle 04: Sustainable homes Enduring and high performing, embedding climate resilience and minimising environmental impacts.	General: The proposed apartment development will achieve an 8 star average NatHERS rating, with no individual dwelling less than 6.5 stars. Furthermore, the proposed development has been designed to reduce carbon use through all stages of the lifecycle of the building, including construction and operation. Extensive solar panels on the rooftop will generate renewable electricity, minimising reliance on fossil fuels within the energy grid and reducing costs for residents. The rainwater tank will capture stormwater run off, re using it for toilet flushing, reducing fresh water use and building



	climate resilience. Dwellings have been oriented to have frontages to the street, laneway or communal open space. This provides excellent access to daylight, minimising costs for lighting, as well as heating and cooling throughout the day. The shading provided to the building also assists residents with managing natural heating and cooling throughout the day. Residents have been provided with one bicycle space per apartment, encouraging active transport use. A ground floor workshop provides a space to fix bicycles, as well as any other product, discouraging unnecessary waste. The landscaping spaces provided around the building assist in mitigating the urban heat island impact. Recommended suggestions by OVGA were appropriately responded to.
Principle 05: Healthy Homes Enhancing health and wellbeing through integrating the natural and built environment.	General: All apartments will benefit from connection to the natural environment and community through well landscaped communal and private space. Dwellings are afforded ample daylight, solar access and suitable ventilation through either natural cross ventilation, single sided ventilation or mechanically assisted ventilation. Communal open space has been provided well in excess of the minimum requirements of Clause 58. It includes a generous outdoor rooftop space, which has excellent solar exposure and ease of access from the dwellings (via the lifts). The communal courtyard will also be an activated space, with dwellings oriented to face the courtyard, providing a sense of openness and views to vegetation. Recommended suggestions by OVGA were appropriately responded to.
Principle 06: Adaptable homes Housing that meets the diverse and changing needs of households and families.	General: The proposed development provides adaptable homes, capable of meeting and changing to meet the diverse needs of the community. Apartments have been designed so that they can be combined in future to create larger apartments, should demand arise. For instance, two adjoining apartments may merge to provide a greater number of bedrooms or expanded living spaces. Recommended suggestions by OVGA were appropriately responded to.
Principle 07: Good value homes Supporting more affordable housing through innovative housing development and delivery models that respond to changing housing markets.	General: A wide range of apartment sizes (one to four bedrooms) and layouts are offered through the development, catering to various entry levels / price points and household types. Furthermore, a large number of dwellings are identified as accessible.

121. The above assessment demonstrates alignment with each of the design principles of the GDFT.

Communal Amenity, Public Realm and Landscaping

122. It is noted that Council and other submitters raised the public realm response as being inadequate. In response, it is considered that the proposed development provides a suitable public realm response, significantly improving the existing public realm surrounding the site.

123. The existing buildings are constructed to the Hanover Street frontage, providing a narrow footpath with limited landscape opportunities and 'breathing room' for pedestrians. Power poles further decrease available space for pedestrians.

124. Along Fitzroy Street, no footpath is provided at the north western corner of the site (due to car parking spaces being directly accessible from the street). Facing the south western portion to Fitzroy Street and Brunswick Place (south) is an interface with an open air car park.

125. Limited passive surveillance opportunities and interaction with the street is provided to Brunswick Place (east).

126. The proposal has been designed to significantly improve the landscaping conditions of the site. The submitted architectural plans and the landscape concept plan seek to create a suitable landscape character for the site, achieved through:

- A setback provided at the ground level to Hanover Street, with an undercroft fronting the food and drinks premises and entrance providing additional breathing space for the public realm.
- The provision of private open space areas along the residential interface to Hanover Street provides semi permeable elements (metal balustrades) fronting the open space areas. Compared to the existing solid wall, this will create the appearance of additional space and provide a softening of the pedestrian experience.
- The footpath at the north western corner of Fitzroy Street will be re-instated (in the current location of car parking), completing the missing footpath link on the eastern side of Hanover Street.
- The provision of deep soil planting along the Fitzroy Street interface. This will assist in integrating the site with the mature landscaping on the opposite side of the street (within private properties) and provide significant shading to pedestrians, as well as the frontage of the dwellings along Fitzroy Street. The basement has also been setback to provide deep soil space for the tree root systems.
- The provision of landscaped setbacks (with deep soil planting on Fitzroy Street), to Brunswick Place (south) and Fitzroy Street will provide an improvement to the existing interface with an open air car park. Windows and entrances facing the street provide passive surveillance.
- An entrance to the bicycle parking area, windows from the food and drinks premises and balconies and windows above will significantly improve the Brunswick Place (east) interface.
- The internalised ground floor courtyard has been split into two zones, being the shaded and unshaded area. The planting palette in the shaded area is proposed to be lush and comprise of understorey planting, which typically grows well within shaded conditions. It will provide a calm environment and outlook for residents. The unshaded area will be planted with canopy trees and vibrant, flowering species that facilitate an environment with sunlight access for more active recreational needs.
- The rooftop terrace will be provided with canopy trees and other shrubs, that provide shade and greenery for users of this space.

127. Refer to Figure 19 for the landscape concept plan at ground level.

2.4 Plan: Ground

The ground level plan illustrates the interfaces with existing streetscapes and demonstrates how the courtyard anchors the project with a shaded, communal courtyard.

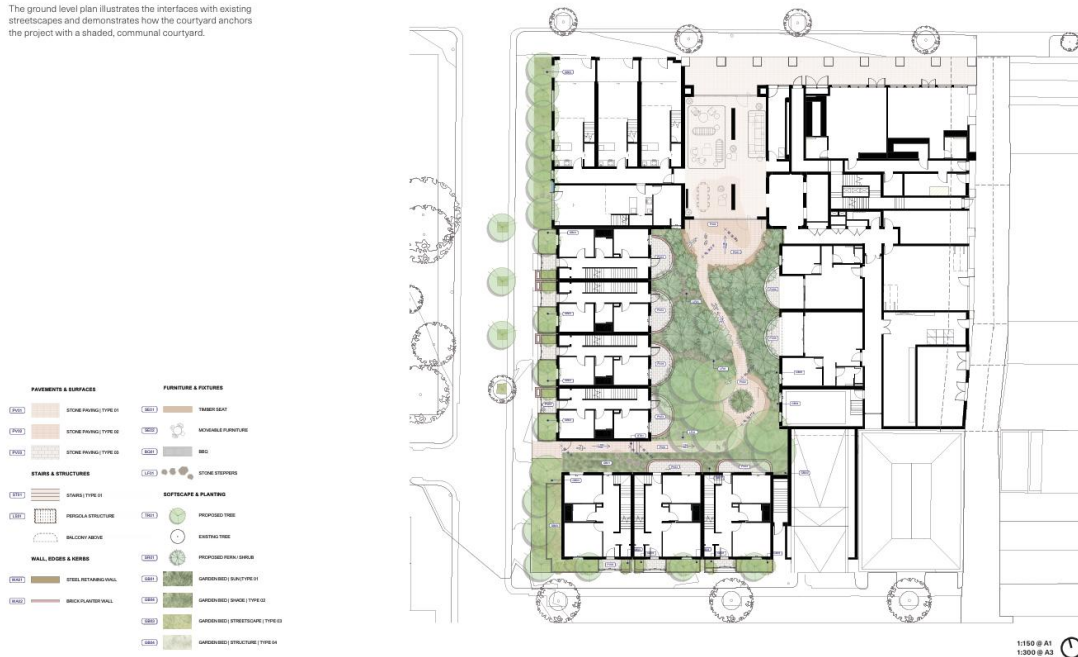


Figure 19 – Ground floor – Landscape Concept Plan – Source: Application

128. A condition of permit will require that before development starts, a detailed landscape plan or package be submitted for approval that must be generally in accordance with the Landscape Plan, prepared by Aspect Studios and dated 5 May 2026. Additional conditions will be required to improve landscaping opportunities and to ensure access from Fitzroy Street to the internal courtyard provides a continuous DDA compliant pathway or similar.

Amenity and Microclimate

Internal Amenity

129. Clause 16.01-1S (Housing Supply) seeks to facilitate development that adopts best practice through a combination of methods and provides a high level of internal amenity. The development provides a highly compliant response to the Better Apartments Design Standards (BADS) and the Great Design Fast Track Design Principles (as noted earlier). Specifically, the following is noted:
- The proposal makes provision for generous landscaping within the communal courtyard, rooftop gardens and private open spaces. The communal courtyard and landscaped rooftop gardens allow for the vast majority of dwellings to be provided with landscaped views.
 - Communal open space has been provided well in excess of the minimum requirement of 220 sqm. This includes 578 sqm of outdoor communal open space, split between the rooftop and the central courtyard. This provides good spaces for residents for passive and active recreation needs, with different aspects and access to sunlight throughout the day. Internal communal spaces are also provided, including a generous lobby and communal workshop.
 - Dwellings are provided with unique and highly amenable open space areas. This includes good sizes to balconies with aspects to the surrounding streets, lane or internal communal open space, as well as rooftop terraces, front courtyards or the like. Front terraces adjoining the street have been carefully designed to balance the need for privacy, whilst also facilitating passive surveillance of the street, through methods such as a raised floor level and the design detail of balustrades. Some dwellings also include terraces adjoining the centralised courtyard at the ground floor, allowing them to borrow amenity from this space.

- Dwellings are provided with a frontage facing either a street, lane or the centralised courtyard, which maximises their aspect and provides good access to daylight and sunlight throughout the day.

130. The internal layout of dwellings has been designed to ensure a functional layout. This includes:

- Apartments have been designed to meet or exceed the minimum functional layout requirements for bedroom and living area sizes.
- Generous proportions are provided to the kitchens and dining areas.
- Large areas of storage are provided within dwellings.
- Where possible, additional rooms have been provided to provide complimentary amenity. This includes the provision of laundries, studies and the like.
- Lifts are provided within the townhouse dwellings, ensuring accessibility for people with limited mobility.
- Different typologies of dwellings have been provided, catering to households with different needs. This includes the 'duplex' typology, which is provided with mezzanine style bedrooms. Large voids ensure the excellent provision of daylight.

131. A full assessment against all other relevant design standards of Clause 58 is provided at Appendix A.

132. As such, it is considered that the dwellings are capable of achieve an acceptable degree of internal amenity.

Overshadowing

133. Several submissions were received raising concerns in relation to overshadowing.

134. Clause 15.01-2S seeks to ensure that new development minimises any impacts on neighbouring properties and the public realm. Furthermore, BFO17 provides discretionary overshadowing requirements that no additional overshadowing is to occur between 10am and 2pm on 22 September on the opposite footpath measured from the kerb. This is applicable to all streets.

135. The dwellings on Hanover Street are located to the north of the site and will not be overshadowed by the proposal between 9am and 3pm at the September 22nd equinox. The stepping down of building heights to the southern part of the site also minimises overshadowing to the secluded private open space of residential properties to the south (opposite Brunswick Place or Hanover Street).

136. The submitted shadow diagrams demonstrate that the western footpath of Fitzroy Street is free of shadow from 10.15am on September 22nd equinox. This means that there will be some shadow cast at 10am but the overshadowing will disappear within 15 minutes. The impact is minimal and therefore considered reasonable(Refer to Figure 20).

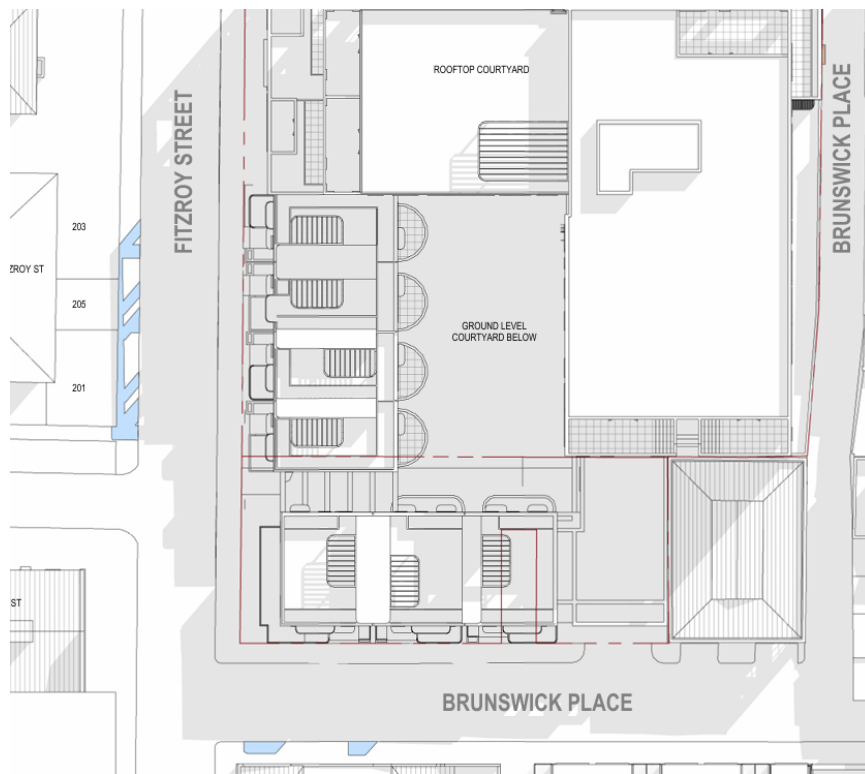


Figure 20 – Fitzroy Street shadow at 10.15am – Source: Application

137. The submitted shadow diagrams also demonstrate that the Brunswick Place (south) footpath opposite the laneway is largely kept free of overshadowing between 10am and 2pm at the September equinox, albeit with some negligible small areas of shadow (Refer to Figure 21). It should also be noted that the 3 storey street wall height to Brunswick Place (south) aligns with the BFO17 controls and therefore the small shadow is considered reasonable.

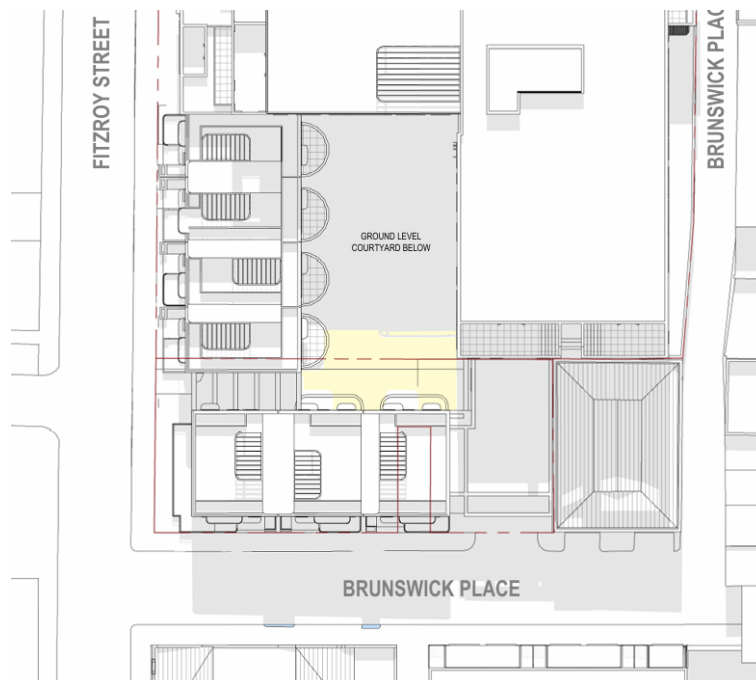


Figure 21 – Brunswick Place (south) shadow at 10.15am – Source: Application

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138. Brunswick Place (east) will be in shadows from 1pm, however it should be noted that this laneway does not contain a footpath.
 139. In response to the communal area overshadowing, Clause 58.03-3 (Standard D8 – Solar Access to Communal Outdoor Open Space) requires the communal outdoor open space to be located to the north side of a building, if appropriate. It also requires at least 50 per cent or 78 square metres (the lesser) of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.
 140. The shadow diagrams demonstrate that this is achieved at all hours between 9am and 3pm for the rooftop, exceeding the minimum two hour requirement.
 141. The ground floor communal open space will provide a location for those seeking shade, while it is noted that at the September equinox, this area will enjoy access to sunlight from 11am to 3pm.

Overlooking

142. Clause 58.04-1 (Standard D14 – Building setback) seeks to ensure that the setbacks of buildings limit views into habitable room windows and private open space of new and existing dwellings. In particular, it encourages development be setback so as to avoid direct views into habitable room windows and private open space of new and existing dwellings.
143. Submitters also raised concerns in relation to overlooking impacts. The proposal is located in excess of 9 m from the nearest habitable room window or secluded private open space, noting that the closest residential dwelling within a residential zone is a minimum of 15 m from the title boundary of the site. Therefore, the proposal complies with the relevant overlooking test.

Noise impacts and acoustic report

144. Noise concerns were raised from submitters, specifically relating to 127 Brunswick Place. The Council also recommend conditions be included in any permit to issues to require an acoustic report be submitted for approval and that the acoustic report be peer reviewed.
145. In response, an acoustic report was not submitted as part of the application material, with the applicant advising that the venue at 127 Brunswick Place is no longer in operation, with the previous restaurant and function facility appearing to have closed mid-2025.
146. Clause 53.06 – Live music venues, applies to a proposal within proximity to a live music entertainment venue. It does not apply in this instance given there is no live music venue in operation. It is also unreasonable to expect that this proposal is required to provide acoustic attenuation to a venue which is no longer in operation. Furthermore, the applicant correctly states that an acoustic report is not an application requirement given the site is not within a noise influence area (in accordance with the requirements of Clause 58.04-3), as there is no proximate industry or major arterial roads carrying more than 40,000 AADTV, nor are there railway lines servicing passengers or freight nearby.
147. Furthermore, the dwellings have also been sited within the development to avoid being unreasonably impacted by noise. For instance, dwellings are separated from the lifts and stairs within the building by the services core or non habitable rooms such as bathrooms, pantries and laundries.
148. It is noted that the Council recommend the Level 7 Communal Open Space only be used between 7am and 10pm, seven days a week. Typically backyards, balconies and terraces of dwellings do not have time restrictions imposed on their use. The communal open space will provide amenities for residents and should be available equally to all residents on site. As such, the requirement to include a condition restricting the time to use this space will not be included.
149. As such, the development complies with Clause 58.04-3 and therefore the proposal is acceptable from a noise perspective.



Wind

150. The application has included a Wind Impact Analysis through a desktop study. The report has revealed that the proposal will not result in any unreasonable wind impacts and accordingly requires no design modification. This is considered acceptable.
151. The findings of the study can be summarised as follows:
- Wind conditions in the ground level footpath areas and access ways would be expected to be within the walking comfort criterion.
 - The main entrances would be expected to be within the standing comfort criterion.
 - The outdoor seating area on the ground floor would be expected to be within the sitting comfort criterion.
 - The internal courtyard would be expected to be within the standing comfort criterion.
 - The terraces and balconies would be expected to be within the recommended standing comfort criterion.
 - The rooftop communal terrace is expected to have wind conditions within the recommended standing comfort criterion.
 - The wind conditions are expected to fulfil safety criterion.
152. It is also noted that the Council recommend an amended Wind Assessment Report be submitted, as a condition of permit, that is consistent with their recommended Condition 1 plans and includes wind comfort criteria for the building frontages, entries, private balconies, terraces and communal open spaces. The Council also recommend that the amended Wind Assessment Report be peer reviewed. However, the submitted report addressed these items and given we will not be adopting the Council's recommendations to modify the building design by reducing the overall height and the street wall heights or the upper level setbacks above street wall, a revised wind report is not necessary. Furthermore, the proposed massing arrangement will achieve appropriate wind conditions in accordance with Clause 58.05-4 (Standard D17 – wind objective).
153. Overall, the desktop study demonstrated a high degree of compliance.

Sustainability

Environmentally Sustainable Design (ESD)

154. The application is supported by an Environmentally Sustainable Design Report (ESD), prepared by Hip V. Hype, which demonstrates the development will achieve an 8 star average NatHERS rating with no individual dwelling less than 6.5 stars. To achieve these credentials, the ESD demonstrates a commitment to the following additional ESD initiatives:
- Effective natural ventilation, with dwellings either naturally ventilated, or having access to mechanical or single sided ventilation. This ensures excellent access to fresh air throughout the day.
 - Heat pump hot water system, reducing energy use associated with hot water use.
 - A comprehensive shading strategy, which reduces heating and cooling costs for residents.
 - Dwellings have been sited to have good daylight access. They are oriented to have their living areas and bedrooms either facing the street, or internal courtyard. North facing dwellings have been maximised as much as possible.
 - 40kW solar PV will be placed on the rooftop, generating renewable energy and minimising energy costs to residents.

- A 40kL rainwater tank will capture rainwater run off from the roof, and re-use in the building for toilet use. This reduces fresh water use.
- A substantial bicycle parking provision and the site's location with easy access to public transport, is intended to reduce the use of motor vehicle travel.
- A substantial provision of communal open space provides excellent space for landscaping, to assist in mitigating the urban heat island impact.

155. Where possible, the committed ESD initiatives have been shown on the development plans.

156. It is also noted that the Council recommend an amended ESD report be submitted, as a condition of permit, that is consistent with their recommended Condition 1 plans. While the Council's recommendations to modify the building design by reducing the heights and setbacks will not be adopted, other condition 1 changes to the design will require an amended ESD report be submitted. Suitable permit conditions will be included.

157. As such, the proposal provides an acceptable ESD outcome subject to conditions.

Stormwater Management

158. Clause 53.18 (Stormwater Management in Urban Development) seeks to ensure new developments achieve the best practice water quality performance objectives set out in the *Urban stormwater management guidance* (Environment Protection Authority - Publication 1739.1, 2021).

159. The submitted ESD report includes a stormwater response, which demonstrates the development will meet best practice requirements in line with the above-mentioned guidelines and policy, as follows:

- Rainwater runoff collection from all clean roof areas (668 sqm) into a 40kL tank for reuse in toilet flushing
- Rainwater runoff collection from all trafficable terraces (696 sqm) into a 7 sqm raingarden
- Landscape irrigation demand will be connected to the rainwater tank 100% STORM rating.
- A range of water sensitive urban design measures that have been appropriately integrated within the overall landscape plan.

160. Furthermore, as outlined earlier in the report and for the reasons outlined above, the development satisfactorily complies with Clause 58.03-8 (Standard D13 – Integrated Water and Stormwater Management).

161. However, given some changes are required to the design via Condition 1 requirements, a condition of permit will require an amended Sustainable Management plan be submitted for approval that is consistent with Condition 1 plans, including some other specific requirements to be included. It is noted that this was recommended by the Council and will be included.

162. A submission was received regarding potential stormwater issues (flooding) within the site. In response, the applicant sought advice from Melbourne Water who confirmed that the site is not subject to flooding and that design changes are not required. Furthermore, it is noted that given the Special Building Overlay does not apply to the site, there is no formal or statutory referral required to Melbourne Water as part of the application process.

163. Subject to conditions, the proposal provides an acceptable ESD outcome.

Car Parking, Bicycle Parking, Vehicle Access and Waste

Car Parking and Vehicle Access

164. The proposed development provides a total of 108 car parking spaces in the form of a two level basement, with 60 spaces on the lower basement (Basement 2) and 48 spaces on the upper basement (Basement 1). The provision of car parking is below the maximum of 126 car parking spaces that are required by Clause 52.06-5, i.e. 2 spaces per dwelling given the location of the site within Category 4 of the car parking requirements map.



165. No car parking is proposed for the commercial space (food and drink premises), noting that a maximum rate of 1 space is required. The zero spaces for the food and drink premises is compliant with Clause 52.06-5.
166. Objections were received regarding impact of increased vehicle traffic in general and during construction. Traffic generated during construction can be managed through a Construction Management Plan (CMP), which will be required as part of a permit condition.
167. Additional concerns were raised relating to the provision of car parks. Specifically that insufficient car parking spaces are provided, too many car parking spaces have been provided, insufficient DDA car parking spaces have been provided and that the development will affect the availability of on street-cars parking (and that the submitted Traffic Impact Assessment does not accurately estimate the availability of public parking).
168. In response, it should be noted that:
- The proposed number of car parking spaces complies with the maximum number outlined within Clause 52.06 – Car Parking for properties within Category 4 of the Car Parking Maps. In particular:
 - 108 car parking spaces are proposed for the dwellings, below the maximum of 126 car parking spaces.
 - 0 car parking spaces are provided for the Food and Drinks tenancies, below the maximum of 1 car parking space.
 - No planning permit is required under the car parking provision of the Scheme.
 - The site has excellent access to public transport and amenities and will provide 76 bicycle spaces (an additional 56 spaces compared to the minimum of 20 required under Clause 52.34 – Bicycle Facilities). This will reduce the demand for vehicle travel and ensures an appropriate level of car parking is provided.
 - As noted above, car parking does not exceed the maximum rate specified in Clause 52.06 – Car Parking. By virtue of compliance, this means that there is not an 'excess' rate of car parking proposed.
 - DDA spaces are regulated by the National Construction Code (NCC) rather than the Planning Scheme. It is not relevant to the planning application. Notwithstanding, the proposal will provide one DDA space.
 - Ratio conducted surveys of public car parking capacity on both a weekday and weekend, to ensure there is an accurate reflection of capacity at different times of the day. This is consistent with the way in which surveys are usually undertaken by Traffic Engineers.
169. Submitters also raised concerns in relation to the potential traffic impacts to the local street network. In response it should be noted that:
- The proposed number of car parking spaces complies with Clause 52.06.
 - Notwithstanding the compliance being achieved, the proposed traffic impacts to the road network will be minor, as demonstrated in the Traffic Report prepared by Ratio. The site's excellent proximity to public transport means that it is anticipated that there will be a maximum of 13 vehicle movements per hour in peak periods. This can be readily absorbed by the local road network as outlined within the Traffic Report prepared by Ratio.
 - The one way nature of Fitzroy Street will not be altered as part of this proposal.
 - Vehicle access is provided via Brunswick Place (south). This is the most suitable location to provide vehicle access, as it is consistent with the desire to minimise vehicle crossovers on main streets (Hanover Street and Fitzroy Street) and to prioritise pedestrians along these streets. Brunswick Place (south) acts similar to a laneway, with a limited number of pedestrian movements, given the limited additional connections it provides compared to the surrounding streets. However, unlike a typical laneway, it has a wide width (approximately 6m) which allows for two way traffic movements.

- In relation to Brunswick Place (east), vehicles can utilise this laneway should they chose to do so. However, given the narrow nature of this laneway, it is considered more likely that vehicles will enter and exit the development via Fitzroy Street and Brunswick Place (south).
- Swept path diagrams have demonstrated that waste vehicles will be able to appropriately manoeuvre through Brunswick Place (east).

170. Some submitters raised concerns that the basement ramp is too steep and that it is provided with insufficient clearance. In response, it is noted that:

- The Traffic Report prepared by Ratio has assessed all ramp gradients and height clearances and found them to comply with the requirements of Clause 52.06 – Car Parking and the relevant Australian Standards.
- 1:4 (25%) is the proposed ramp grade, which complies with the maximum allowable grade within private residential car parks. Therefore, the proposed ramp grade is acceptable pursuant to Clause 52.06-9 (Design standards for car parking).
- A minimum headroom clearance of 2.1 m is proposed, including 2.5 m in Basement 1. This is compliant with the minimum 2.1 m high clearance outlined within Clause 52.06-9 (Design standards for car parking).
- Waste vehicles will collect waste within Basement 1 and the 2.5 m high clearance is sufficient for the 2.08 m high waste vehicle.

171. A submission was received regarding the lack of standard pedestrian sight lines to Brunswick Place (noting this is the main vehicle entry/exit point to the site). A convex mirror has been included and will facilitate pedestrian visibility, however the proposed location of the mirror is outside the site's title boundaries. As such, and consistent with Council's recommended conditions, a condition will require the mirror to be relocated to within the site's boundaries.

172. It should be noted that the Council recommended Condition 1 plans be submitted to require some dimensions on the revised architectural plans. These are reasonable and will be included. It should also be noted that the Council recommend that the loading bay design envelope be dimensioned, however in response, the development does not include, nor require, a formal loading bay be provided. As such this condition will not be included.

173. The Council also recommended that a minimum 10% of the car parking spaces to be provided with EV chargers and charging points provided to a minimum of 5% of the overall number of resident/employee bicycle parking spaces. In response, the ESD report indicates at least one EV charging facility will be provided at the Basement level. This achieves compliance with the relevant ESD requirements. The provision of 10% of all car parking spaces may significantly increase the energy requirements of the building and as such will not be include.

174. The Council have recommended a Car Parking Management Plan (CPMP) be provided before the development commences. Their specific requirements will generally be included except for their requirement to include the number and allocation of storage spaces. Given the proposal complies with Standard D21 at Clause 58.05-4, no further information is required to be provided in relation to the allocation of storage spaces.

175. Vehicle access is proposed via a double crossover to Brunswick Place (south), which ensures that the Hanover Street and Fitzroy Street pedestrian experience is not interrupted by vehicle access. The location is suitable due to pedestrian movements along this street being quieter than Fitzroy Street and Hanover Street and this being a laneway interface with minimal visibility from the busier pedestrian streets.

176. Head,Transport for Victoria (HTfV) reviewed the application and advised no objection and no conditions are required to be included in any permit to issue.

177. Overall, the proposal provides an acceptable car parking and vehicle access arrangement.

Bicycle Facilities

178. Clause 52.34-1 of the Scheme requires a total of 20 spaces (13 spaces for dwelling residents and 7 for dwelling visitors). There are no requirements for the food and drink premises.

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179. The proposal incorporates the provision of 76 bicycle spaces, all located within the Ground Floor, with 68 spaces provided within a lockable bike storage room accessible from Brunswick place (east) and a further 8 spaces accessible for visitors from Hanover Street.
180. Overall, the provision of bicycle provision is appropriate noting the following:
- All resident bicycle spaces are located within and generally conveniently accessible from the ground floor.
 - Some visitor bicycle spaces are conveniently located at ground floor within close proximity to the resident pedestrian entry.
 - Some bicycle spaces include space for cargo.
181. The Council has recommended numerous Condition 1 plan changes in relation to bicycle spaces. Most will be included in any permit to issue or modified accordingly. However, the Council recommended 10% of the overall number of residential bicycle parking spaces provided for cargo bicycles and bicycles with trailers. This condition will not be adopted but modified instead to require one cargo bicycle /bicycle with a trailer. If the council recommended condition were to be included, it would require removal of a minimum of 2 double tier bicycle racks to facilitate spaces for bicycles with trailers, which would result in a reduction of the number of bicycle spaces.
182. The Council also recommended the repositioning of the visitor bicycle parking spaces within the Hanover Street ground level setback to increase pedestrian circulation and the provision of an additional 8 bicycle spaces in this location. This condition will not be adopted because the number of bicycle spaces provided already exceeds the requirements of Clause 52.34 of the Scheme. The proposed spaces have been located between columns outside of direct lines of sight and thus suitably located.
183. As such, the bicycle parking and amenities provision is acceptable, subject to conditions.

Waste

184. A Waste Management Plan (WMP) was submitted as part of the application material.
185. It identifies residential waste collection will be undertaken by a private contractor, with the residents responsible for transporting their individual waste to the relevant bin disposal areas, located within Basement 1. The architectural plans show the location of the waste storage areas.
186. The WMP identifies that:
- Waste collection will occur on-site within Basement 1 and occur during specified days and times.
 - Waste collection can be carried out by rear-lift vehicles (nom. 6.4 m long, 2.1 m high and 6.4 tonnes gross vehicle mass (requiring a 2.5 m high clearance when lifting the bins).
 - Swept paths demonstrate the vehicles can enter and exit in a safe and efficient manner, with sufficient space turn and exit the site in a forward direction.
187. These commitments are acceptable and can be secured by way of a formal permit condition.
188. A submitter raised concerns with waste truck access to Brunswick place. Specifically, they note that the waste collection arrangement will block access for other existing users, and pedestrians/cyclists. In response it is noted that:
- Waste is commonly collected within laneways. Laneways commonly provide for service activities (such as waste collection) to provide pedestrian and cycling priority along main streets.
 - Waste from the commercial premises will be collected twice weekly.
 - The truck will stop in front of the waste store. The contractor will access the store, wheel out the bins, which will then be emptied into the truck. This process is anticipated to take approximately 3 minutes.
189. As such, the proposed waste collection arrangements are acceptable, subject to conditions.



Loading

190. It is not proposed to provide a loading bay on-site and as such all loading demands (excluding waste collection) for the proposed development will occur on-street. Given the relatively small scale of the proposed land uses, loading activities are expected to be infrequent and completed predominantly by smaller loading vehicles such as small moving vans.
191. The Transport Impact Assessment report states that the proposed arrangement is considered acceptable given:
- Loading activities are expected to be infrequent and will largely be undertaken by smaller delivery vehicles and vans. These activities can suitably occur within the nearby supply of on street parking, noting there are several loading zones on Brunswick Street in the immediate vicinity of the site.
192. As such, the absence of a dedicated loading bay is satisfactory. It should also be noted that the HTfV have not objected to the proposal and did not include any conditions.

Potential contamination

193. A submitter raised concerns with the potential for site contamination. A Preliminary Site Investigation (PSI) was undertaken on the site and the findings (January 2026) were that the future land use of residential is not restricted by any existing contamination on site and that no further soil or groundwater investigation is recommended. As such, conditions to require an environmental audit will not be included in any permit to issue.

Other matters

Clause 53.25 – Great Design Fast Track

194. As stated earlier, the application is made pursuant to Clause 53.25 (Great Design Fast Track). The provision seeks to facilitate innovative dwelling, apartment and mixed-use development that increases the density and diversity of dwellings to respond to Victoria's population growth, with convenient access to public transport and that is high quality design and sustainable.
195. The application requirements have been met.

Road discontinuance

196. A carriageway easement (identified by the Council as Laneway No. 1672) is located within the site and accessed via Brunswick Place (south). This road is owned by the owner of the site and has not been used as a road for some years.
197. The owner of the site is seeking to discontinue the road from the Register of Public Roads however the Council has yet to determine the request. As such a condition will be included in any permit to issue to require that the development insofar as it relates to the areas of the public laneway must not commence until the relevant areas of the public laneway are discontinued under the provisions of the Local Government Act 1989 and privately owned and associated with instruments of title forming the address of this planning permit, or a separate right of occupation is obtained from City of Yarra.

Vegetation removal

198. The proposed development may require the removal of two to three trees located within the site, however a planning permit for their removal is not required. The two trees located along the Fitzroy Street boundary would be classified as Significant Trees and would require a Local Law permit to be obtained from the Council for their removal. The third tree is located within the existing central car parking area within the site however it is unsure if it is classified a Significant Tree.
199. A note will be included in any permit to issue, providing awareness to the permit holder that vegetation removal may require a Local Law permit to be obtained.

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200. There are a number of existing trees within the site's Hanover Street, Fitzroy Street and Brunswick Place frontages. The Council have recommended that a Tree Protection Specification and Tree Protection Plan is required to ensure the trees are protected during the demolition and construction phases of the development. The Council also recommended that a tree protection bond to the sum of \$3000 per tree be required. These recommendations are reasonable and will be included in any permit to issue. It should be noted that the applicant is also accepting of these conditions.

Built form outside the title boundaries

201. Between Level 1 and Level 3, there are window shrouds which project into the eastern laneway (Brunswick Place (east)). These projections should be deleted, ensuring no building protrudes outside of the existing title boundaries. A condition of permit will require amended plans be submitted requiring the deletion of these window shrouds or contained wholly within the title boundaries of the site.
202. Similarly, the architectural plans show a convex mirror located outside the title boundaries on Brunswick Place (south). A condition of any permit to issue will require re-positioning of this mirror so that it is located inside the property boundaries.

Development contribution

203. In accordance with the requirements of Clause 45.06 (DCPO), a condition of any permit to issue will require the Development Infrastructure Levy to be paid. While the Council recommended the levy in relation to the Development Infrastructure be paid prior to the commencement of development, the condition will be modified to provide flexibility to be paid at a later date, should this be required by the developer. As such, the condition will require an agreement to be entered into with the Council to pay the amount of the levy within a time specified in the agreement.
204. Furthermore, in relation to the Community Infrastructure Levy, the Council recommended the levy be paid prior to the issue of a building permit. However, the condition will be modified to require the payment to be made prior to the occupation of the development, unless it is paid earlier. This seems reasonable and provides more flexibility to be paid at a later date.

Recommended conditions by Council

205. Some conditions that were recommended by the Council will either be modified or not included. Reasons for the changes are detailed below:
- The Council recommended amended plans be submitted to require the overall building height reduced to a maximum of 6 storeys, street walls reduced to a maximum of 3 storeys, upper level setbacks above the street wall to Hanover Street and Fitzroy Street of 6 metres, zero setbacks to some specific apartments and greater articulation to the southern façade at levels 3 to 6 for specified apartments. These changes will not be included for the detailed reasons included in the assessment section of this report. These are fundamental changes which have not been supported and rather the proposed built form is considered satisfactory.
 - The Council recommended a condition to provide a copy of in-principle support from the relevant authority regarding the location of the substation and to include a notation on the plans to confirm this. In response, this condition will not be included because if the relevant service authority does not agree to the proposed location of the substation, the permit holder will be required to submit amended plans showing a revised location of the substation.
 - The Council recommended amended plans be submitted to demonstrate full compliance with the Standards of Clause 58.05-1 (Accessibility), Standard of Clause 58.05-3 (Private Open Space) and all Standards of Clause 58.07 (Internal amenity). This condition will not be included as an assessment of these clauses has been provided and only one minor variation was sought in relation to Clause 58.05-3 being to the depth of the balcony for one dwelling and this has been appropriately justified (refer to full assessment provided at Appendix A).

- The Council recommended amended plans be submitted to show internal stairwells to be unenclosed to common areas (no stairwell walls or doors to common areas). This condition will not be included as there is no provision in the Scheme requiring internal staircases to be unenclosed.
- The Council recommended amended plans be submitted to show the central core stairwell relocated to provide direct access to the lobby area. This condition will not be included as the core cannot be shifted without subsequent changes to the upper levels, the carpark and parking layout.
- The Council recommended amended plans be submitted to show the provision of pedestrian clearance zone and bollards to the stairwell entrances at basement levels. This condition will not be included as the bollards would impede vehicle movements. Furthermore, given the low number of vehicle movements, the provision of bollards is not considered necessary.
- The Council recommended amended plans be submitted to show the provision of a 1 m by 1 m corner splay to all levels at the building at the Hanover Street / Brunswick Place (east) corner. This condition will not be included because the north/east corner built form comprises either a setback 3 m from the Hanover Street frontage (at ground level) or a balcony of 1.7 m width for each upper level apartment.
- The Council recommended a Public Realm Functional Layout Plan be prepared and submitted to include specific items. Most of the items will be included as a permit condition, with the exception to DDA compliant levels across all proposed footpaths and pavements, the reconstruction of all footpaths adjacent the subject site and the reconstruction of the road pavement for half the width of the sites Hanover Street, Fitzroy Street and Brunswick place (south) frontages or for the reconstruction of the bluestone pitcher along Brunswick place (east). These are all items that go above and beyond the usual requirements to reinstate existing footpaths which are not already DDA compliant or to reinstate any roads.
- The Council recommended a Green Travel Plan be prepared for approval. While Clause 15.01-2I-01 includes a policy guideline to 'consider as relevant' a Green Travel Plan for the construction of 10 or more dwellings, in this instance, it is considered that it is not necessary to require one. This is because the proposed development complies with the minimum and maximum car parking rates within Clause 52.06, the proposed development provides a large excess of bicycle parking spaces and provides 5 motorcycle spaces. Furthermore, the site is located within an area which is easily accessible to public transport.
- The Council recommended a one-off contribution of \$17,760 to be used for new street tree plantings that are required as a result of the proposed development. This condition will not be included because the applicant has already committed to the planting of new street trees as part of the proposed development. Including the condition will simply double-up on the provision of the new street trees.
- The Council recommended a condition to require all pipes, fixtures, fittings and vents to be concealed or hidden from view. This condition is too restrictive and sometimes not possible to achieve. It should be left to meet building regulations instead. As such, it will not be included in any permit to issue.

Other objector concerns

206. Most of the objector concerns have been addressed earlier in this report. However, some submitters raised concerns that Clause 53.25 creates procedural unfairness. In response, the submitted material includes confirmation that the development is eligible to be assessed under Clause 53.25 and as this assessment details, has been appropriately considered.
207. Other submitters raised concerns that the existing anti-social behaviour in the surrounding streets will be exacerbated. In response, this is not a planning consideration, nor is there any correlation between a new mixed use development and exacerbation of anti-social behaviour.



208. The proposal is generally consistent with the relevant planning policies of the Yarra Planning Scheme and will contribute to the provision of high quality housing within the Fitzroy area.
209. The proposal is supported by HTfV.
210. Yarra City Council was notified of the application under section 52(1)(b) of the Act, and raised concerns, which have been addressed in detail either through permit conditions or in the body of this report. The Council does provide support on a strategic level.
211. It is **recommended** that:
- Planning permit No. PA2604384 for the land at 64-70 Hanover Street Deepdene be issued subject to conditions.
 - The applicant, HTfV and the Council and those who provided a submission be notified of the above in writing.



Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **No Conflict**
- ☐ Conflict and have therefore undertaken the following actions:
- ☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:	[Redacted]	Signed:	[Redacted]
Title:	[Redacted]		
Phone:	[Redacted]	Dated:	11 August 2026

Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ **No Conflict**
- ☐ Conflict and have therefore undertaken the following actions:
- ☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:	[Redacted]	Signed:	[Redacted]
Title:	[Redacted]		
Phone:	[Redacted]	Dated:	14 August 2026

Appendix 1: Clause 58 Assessment (Better Apartments Design Standards)



Application requirements

Clause 58.01-1	Assessment
- An application must be accompanied by: - An urban context report. - A design response.	Complies An urban context report prepared by SJB has been provided.

Urban context report

Clause 58.01-2	Assessment
- The urban context report may use a site plan, photographs or other techniques and must include: - An accurate description of: - Site shape, size, orientation and easements. - Levels and contours of the site and the difference in levels between the site and surrounding properties. - The location and height of existing buildings on the site and surrounding properties. - The use of surrounding buildings. - The location of private open space of surrounding properties and the location of trees, fences and other landscape elements. - Solar access to the site and to surrounding properties. - Views to and from the site. - Street frontage features such as poles, street trees and kerb crossovers. - The location of local shops, public transport services and public open spaces within walking distance. - Movement systems through and around the site. - Any other notable feature or characteristic of the site. - An assessment of the characteristics of the area including: - Any environmental features such as vegetation, topography and significant views. - The pattern of subdivision. - Street design and landscape. - The pattern of development. - Building form, scale and rhythm. - Connection to the public realm. - Architectural style, building details and materials. - Off-site noise sources. - The relevant NatHERS climate zones (as identified in Clause 58.03-1). - Social and economic activity. - Any other notable or cultural characteristics of the area.	Complies A Design Response prepared by SJB has been provided. The document explains how the proposal has been derived relative to its existing physical and policy context.

Design response

Clause 58.01-3	Assessment
- The design response must explain how the proposed design: - Responds to any relevant planning provision that applies to the land. - Meets the objectives of Clause 58. - Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme. - Derives from and responds to the urban context report. - The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.	Complies A planning report prepared by Tract explains how the proposal has responded to the relevant provisions of the Yarra Planning Scheme.



Urban context objectives

Clause 58.02-1	Assessment
Objectives - To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area. - To ensure that development responds to the features of the site and the surrounding area.	Complies
Standard D1 - The design response must be appropriate to the urban context and the site. - The proposed design must respect the existing or preferred urban context and respond to the features of the site.	Complies As detailed in the assessment section of this report the proposal provides an appropriate balance between the planning policy objectives for this part of Fitzroy.

Residential policy objectives

Clause 58.02-2	Assessment
Objectives - To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. - To support higher density residential development where development can take advantage of public and community infrastructure and services.	Complies
Standard D2 An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.	Complies The proposal responds appropriately to the housing objectives as set out within clause 2.04 (Strategic Framework) and clause 16.01 (Location of Residential Development).

Dwelling diversity objectives

Clause 58.02-3	Assessment
Objective To encourage a range of dwelling sizes and types in developments of ten or more dwellings	Complies
Standard D3 Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.	Complies The proposal provides for 63 dwellings across a mix of dwelling and apartment sizes and layouts, including: 14 x 1-bedroom apartments 21 x 2-bedroom apartments 17 x 3-bedroom apartments 7 x townhouses 4 x duplexes.

Infrastructure objectives

Clause 58.02-4	Assessment
Objectives - To ensure development is provided with appropriate utility services and infrastructure. - To ensure development does not unreasonably overload the capacity of utility services and infrastructure.	Complies



Standard D4

- *Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.*
- *Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.*
- *In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure*

Complies

The subject site is located in an established urban area and will benefit from ready access to all necessary reticulated services and utilities, noting that no gas connections will occur.

The scale of the development does not warrant upgrades to surrounding infrastructure or roads.

Integration with the street objective

Clause 58.02-5

Objective

- *To integrate the layout of development with the street.*

Standard D5

- *Developments should be oriented to front existing and proposed streets.*
- *Along street frontage, development should:*
 - *Incorporate pedestrian entries, windows, balconies or other active spaces.*
 - *Limit blank walls.*
 - *Limit high front fencing, unless consistent with the existing urban context.*
 - *Provide low and visually permeable front fences, where proposed.*
 - *Conceal car parking and internal waste collection areas from the street. adequate vehicle and pedestrian links that maintain or enhance local accessibility.*
- *Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.*

Assessment

Complies

Complies

The development has been designed to have a high level of interaction with the surrounding streets noting that:

- The interface to Hanover Street has been activated through the provision of two commercial tenancies. They include setbacks from the street and a large covered area to the frontage.
- Balance of the ground floor interface to Hanover Street is defined by eth terraces and duplexes, allowing views out from the terraces to the street.
- The interface with Fitzroy Street is defined by the secondary entrance into the communal area as well as the private open space areas of the townhouses and the duplexes.
- The Brunswick Place (south) interface is similar to the Fitzroy Street interface, providing landscaping, direct entrances to townhouses, terraces and the like. Car parking entrance has been sited to the eastern most side of the frontage, minimising its presence to the street.
- The Brunswick Place (east) interface includes services towards this interface to minimise disruption to other street frontages. The frontage also includes a direct entrance to bicycle parking and windows from the workshop area.

As such, excellent design detail is provided to all street interfaces, contributing positively to the architectural character of the area.

Energy efficiency objectives

Clause 58.03-1

Objectives

- *To achieve and protect energy efficient dwellings and buildings.*
- *To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.*
- *To ensure dwellings achieve adequate thermal efficiency.*

Standard D6

- *Buildings should be:*
 - *Oriented to make appropriate use of solar energy.*
 - *Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.*

Assessment

Complies

Complies

The proposal has been designed to ensure an appropriate degree of energy efficiency, noting the submitted ESD report commits to a high degree of

- *Living areas and private open space should be located on the north side of the development, if practicable.*
- *Developments should be designed so that solar access to north-facing windows is optimised.*
- *Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.*

Table D1 Cooling load	
NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum
Climate zone 21 Melbourne	30
Climate zone 22 East Sale	22
Climate zone 27 Mildura	69
Climate zone 60 Tullamarine	22
Climate zone 62 Moorabbin	21
Climate zone 63 Warrnambool	21
Climate zone 64 Cape Otway	19
Climate zone 66 Ballarat	23

Note:

- *Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).*

sustainability, in accordance with the requirements of clause 53.25.

The buildings are oriented and designed to maximise daylight access and provide equitable solar access to all dwellings. The dwellings will deliver energy efficient designs that comply with max cooling loads identified in the standard, as confirmed in the submitted ESD report.

Communal open space objective

Clause 58.03-2

Objectives

- *To provide communal open space that meets the recreation and amenity needs of residents.*
- *To ensure that communal open space is accessible, practical, attractive, easily maintained.*
- *To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.*

Standard D7

- *A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.*
- *If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space.*
- *Each area of communal open space should be:*
 - *Accessible to all residents.*
 - *A useable size, shape and dimension.*
 - *Capable of efficient management.*
 - *Located to:*
 - *Provide passive surveillance opportunities, where appropriate.*
 - *Provide outlook for as many dwellings as practicable.*
 - *Avoid overlooking into habitable rooms and private open space of new dwellings.*

Assessment

Complies

Complies

The development has a standard requirement to provide for 30 sqm of communal outdoor open space, plus 2.5 sqm per dwelling above the additional space (internal or external) (157 sqm) with a total requirement being 187 sqm.

The development provides 347 sqm of communal open space at ground level (internal courtyard). 145 sqm of communal internal space at ground level (including the lobby and the workshop) is included as well as 231 sqm of rooftop communal open space.

This is well in excess of the requirement to provide 187 sqm within the development.

The areas will be provided with passive surveillance from surrounding dwellings and the rooftop space being visible from the lift lobby and communal corridor, ensuring they are safe and attractive to use.



- Minimise noise impacts to new and existing dwellings.
- Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

Solar access to communal outdoor open space objective

Clause 58-03-3	Assessment
Objective • To allow solar access into communal outdoor open space	Complies
Standard D8 • The communal outdoor open space should be located on the north side of a building, if appropriate. • At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.	Complies As the minimum communal open space requirement is 157sqm, this means that at least 78sqm of the communal open space is to receive a minimum of two hours of sunlight between 9am and 3pm on 21 June. The overshadowing diagrams prepared by SJB Architects demonstrates this is achieved at all hours between 9am and 3pm for the rooftop, exceeding the minimum two hour requirement. The ground floor communal open space will provide a location for those seeking shade, whilst it is noted that at September 22, this will enjoy access to sunlight from 11am to 3pm.

Safety objective

Clause 58.03-4	Assessment
Objective • To ensure the layout of development provides for the safety and security of residents and property	Complies
Standard D9 • Entrances to dwellings should not be obscured or isolated from the street and internal accessways. • Planting which creates unsafe spaces along streets and accessways should be avoided. • Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. • Private spaces within developments should be protected from inappropriate use as public thoroughfares.	Complies The communal entrances, as well as dwelling entrances, are easily visible from the street or communal corridors and are not obscured or isolated. The secure car parking area is located within the basement, with access to the basement being limited to residents and employees of the commercial tenancies.

Landscaping objectives

Clause 58.03-5	Assessment
Objectives • To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape. • To preserve existing canopy cover and support the provision of new canopy cover. • To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.	Complies
Standard D10 • Development should retain existing trees and canopy cover. • Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. • Development should:	Variation required A key positive feature of the proposed development is the extent of landscaping proposed throughout the site. The site is 2,414 sqm which translates to a requirement of 241 sqm of deep soil (which meets the

- Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2.
- Provide canopy cover through canopy trees that are:
 - Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3.
 - Consistent with the canopy diameter and height at maturity specified in Table D4.
 - Located in communal outdoor open space or common areas or street frontages.
- Comprise smaller trees, shrubs and ground cover, including flowering native species.
- Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space.
- Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption.
- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site.
- Provide a safe, attractive and functional environment for residents.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.
- Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Table D2 Canopy cover and deep soil requirements

Site area (sqm)	Canopy cover	Deep soil
1000 square metres or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 – 1500 square metres	50 square metres plus 20% of site area above 1,000 square metres Include at least 1 Type B tree	7.5% of site area
1501 - 2500 square metres	150 square metres plus 20% of site area above 1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2500 square metres or more	350 square metres plus 20% of site area above 2,500 square metres Include at least 2 Type B trees or 1 Type C tree	15% of site area

Table D3 Soil requirements for trees

Tree type	Tree in deep soil Area of deep soil	Tree in planter Volume of planter soil	Depth of planter soil
A	12 square metres (min. plan dimension 2.5 metres)	12 cubic metres (min. plan dimension 2.5 metres)	0.8 metre

minimum dimension requirements) and 332 sqm of canopy cover.

The proposed development includes 70 sqm of deep soil, a shortfall of 171 sqm.

The proposal provides 369 sqm of canopy cover, exceeding the canopy cover requirement.

The variation for the deep soil area however is considered appropriate given:

- The proposed development provides a total landscaped area of 627 sqm, which is a substantial improvement to the existing conditions of the site (which is a paved, open air car park and building constructed to the Hanover Street boundary). It will provide a frontage to Fitzroy Street defined by canopy tree planting, as well as a centralised courtyard and rooftop communal space with canopy cover. A range of shrubs and groundcovers are provided throughout, including on balcony planter boxes, ensuring the development provides a suitable and high-quality response and suitable landscaped character.
- The variation is largely required given that the deep soil areas along Fitzroy Street do not meet the minimum width requirements, whilst the deep soil planting within the courtyard do not meet the depth requirements of the standard. The variations are appropriate given that the setback to Fitzroy Street has been designed to provide good canopy tree planting, with the submitted Landscape Concept Plan including canopy trees that are suitable for this urban space. Likewise, the centralised courtyard has a basement underneath, limiting the depth of deep soil that can be provided. Notwithstanding, the 'berming' provided in the courtyard ensures that sufficient soil depth is provided to allow the trees to grow to their potential.

The proposal demonstrates a strong alignment with the objective, achieves the standard and aligns with the Great Design Fast Track design principle 'landscaped homes'.



B	49 square metres (min. plan dimension 4.5 metres)	28 cubic metres (min. plan dimension of 4.5 metres)	1 metre
C	121 square metres (min. plan dimension 6.5 metres)	64 cubic metres (min. plan dimension of 6.5 metres)	1.5 metre

Note:

- Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%.

Table D4 Tree types

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

Access objectives

Clause 58.03-6	Assessment
Objectives - To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles. - To ensure the vehicle crossovers are designed and located to minimise visual impact.	Complies
Standard D11 - Vehicle crossovers should be minimised. - Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building. - Pedestrian and cyclist access should be clearly delineated from vehicle access. - The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees. - Developments must provide for access for service, emergency and delivery vehicles.	Complies Vehicular access will be provided from Brunswick Place (south) in the form of a double crossover within the eastern edge of the site. This crossover provides access to basement car parking. The access point is consolidated to the one location, minimised in size and appropriate integrated with the façade at the rear of the building. It is delineated from the separate pedestrian access points along the main streets, as well as the emergency access point which adjoins the driveway. Cyclist access is provided separately from Brunswick Place (east). The reinstatement of footpaths along Fitzroy Street will increase the provision of publicly accessible on street car parking. Furthermore, the Council recommends standard conditions and notes be included in any permit to issue relating to the new vehicular crossover driveway and disused or redundant crossings.

Parking location objectives

Clause 58.03-7	Assessment
Objectives	Complies

- To provide convenient parking for resident and visitor vehicles.
- To protect residents from vehicular noise within developments.

Standard D12

- Car parking facilities should:
 - Be reasonably close and convenient to dwellings.
 - Be secure.
 - Be well ventilated if enclosed.
- Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Complies

The design includes car parking within two basement levels and will not result in any unreasonable noise or other impacts to future residents. The arrangement provides for convenient and secure parking for residents and will be mechanically ventilated. It also ensures dwellings are suitably separated from parking areas in line with this standard.

Integrated water and stormwater management objectives

Clause 58.03-8

Objectives

- To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.
- To facilitate stormwater collection, utilisation and infiltration within the development.
- To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard D13

- Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.
- Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.
- The stormwater management system should be:
 - Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
 - Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Assessment

Complies

Complies

The proposal is designed to meet best practice requirements for stormwater management, as discussed in the assessment section of this report and outlined in the submitted ESD report.

The development provides for a total of 40kL rainwater tanks which will provide for reuse opportunities. The development provides for permeable surface and ample deep soil to facilitate infiltration and minimise stormwater runoff.

Building setback objectives

Clause 58.04-1

Objectives

- To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.
- To allow adequate daylight into new dwellings.
- To limit views into habitable room windows and private open space of new and existing dwellings.
- To provide a reasonable outlook from new dwellings.
- To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

Assessment

Complies



Standard D14

- *The built form of the development must respect the existing or preferred urban context and respond to the features of the site.*
- *Buildings should be set back from side and rear boundaries, and other buildings within the site to:*
 - *Ensure adequate daylight into new habitable room windows.*
 - *Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.*
 - *Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.*
 - *Ensure the dwellings are designed to meet the objectives of Clause 58.*

Complies

The siting and massing of the building including setbacks from boundaries and internal building separation have been developed in response to the site context and with regard to the preferred future development of the area.

The development responds to each varied interface context and detailed responses on the suitability to the setbacks proposed have been provided in the Assessment section of this report.

All dwellings achieve outlook from one or more aspects, providing visual connection to the external environment including views to landscape, and achieve excellent daylight in accordance with requisite daylight factor.

Internal views objective

Clause 58.04-2	Assessment
Objective • <i>To limit views into the private open space and habitable room windows of dwellings within a development.</i>	Complies
Standard D15 • <i>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.</i>	Complies The proposal does not result in any unreasonable internal overlooking. The proposal has been designed to ensure that windows and balconies cannot view directly into the private open space of a lower level dwelling, given the 'stacked' arrangement of balconies. The large size of the communal ground floor courtyard also ensures any views to lower level dwellings opposite are more than 9 m away.

Noise impacts objectives

Clause 58.04-3	Assessment
Objectives • <i>To contain noise sources in developments that may affect existing dwellings.</i> • <i>To protect residents from external and internal noise sources.</i>	Complies The site is not located within a noise influence area, noting there is no proximate industry or major arterial roads carrying more than 40,000 AADTV, nor are there railway lines servicing passengers or freight nearby.
Standard D16 • <i>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</i> • <i>The layout of new dwellings and buildings should minimise noise transmission within the site.</i> • <i>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</i> • <i>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</i> • <i>Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:</i> ○ <i>Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.</i> ○ <i>Not greater than 40dB(A) for living areas, assessed LAeq,16h</i>	The dwellings have also been sited within the development to avoid being unreasonably impacted by noise. For instance, dwellings are separated from the lifts and stairs within the building by the services core or non habitable rooms such as bathrooms, pantries and laundries.



from 6am to 10pm.

- Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.
- Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table D5 Noise influence area

Noise source	Noise influence area
Zone interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Note:

The noise influence area should be measured from the closest part of the building to the noise source.

Wind impacts objective

Clause 58.04-4	Assessment				
Objective • To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.	Complies				
Standard D17 • Development of five or more storeys, excluding a basement should: ○ not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and ○ achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater. • Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements. • Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.	Complies The application has included an environmental wind assessment through a desktop study, rather than the wind tunnel test. The desktop study has revealed that the proposal will not result in any unreasonable wind impacts and accordingly requires no design modification. This is considered acceptable.				
Table D6 Wind conditions <table> <tr> <th>Unsafe</th><th>Comfortable</th></tr> <tr> <td>Annual maximum 3</td><td>Hourly mean wind speed or gust equivalent</td></tr> </table>		Unsafe	Comfortable	Annual maximum 3	Hourly mean wind speed or gust equivalent
Unsafe	Comfortable				
Annual maximum 3	Hourly mean wind speed or gust equivalent				

second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: • 3 metres per second for sitting areas, • 4 metres per second for standing areas, • 5 metres per second for walking areas.
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Accessibility objective

Clause 58.05-1		Assessment															
Objective To ensure the design of dwellings meets the needs of people with limited mobility.		Complies															
Standard D18 - At least 50 per cent of dwellings should have: - A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. - A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. - A main bedroom with access to an adaptable bathroom. - At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7. Table D7 Bathroom design: <table><tr><th></th><th>Design option A</th><th>Design option B</th></tr><tr><td>Door opening</td><td>A clear 850mm wide door opening</td><td>A clear 820mm wide door opening located opposite the shower</td></tr><tr><td>Door Design</td><td>Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards that is clear of the circulation area and has readily removable hinges. </td><td>Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards and has readily removable hinges. </td></tr><tr><td>Circulation area</td><td>A clear circulation area that is: - A minimum area of 1.2 metres by 1.2 metres. - Located in front of the shower and the toilet. - Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.</td><td>A clear circulation area that is: - A minimum width of 1 metre. - The full length of the bathroom and a minimum length of 2.7 metres. - Clear of the toilet and basin. The circulation area can include a shower area.</td></tr><tr><td>Path to circulation area</td><td>A clear path with a minimum width of 900mm from the door opening to the circulation area.</td><td>Not applicable</td></tr></table>			Design option A	Design option B	Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower	Door Design	Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards and has readily removable hinges.	Circulation area	A clear circulation area that is: - A minimum area of 1.2 metres by 1.2 metres. - Located in front of the shower and the toilet. - Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: - A minimum width of 1 metre. - The full length of the bathroom and a minimum length of 2.7 metres. - Clear of the toilet and basin. The circulation area can include a shower area.	Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable	Complies More than 50% of dwellings (83%) have been designed to achieve compliance with either Design option A or Design option B.
	Design option A	Design option B															
Door opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower															
Door Design	Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards that is clear of the circulation area and has readily removable hinges.	Either: - A slide door, or - A door that opens outwards, or - A door that opens inwards and has readily removable hinges.															
Circulation area	A clear circulation area that is: - A minimum area of 1.2 metres by 1.2 metres. - Located in front of the shower and the toilet. - Clear of the toilet, basin and the door swing. The circulation area for the toilet and shower can overlap.	A clear circulation area that is: - A minimum width of 1 metre. - The full length of the bathroom and a minimum length of 2.7 metres. - Clear of the toilet and basin. The circulation area can include a shower area.															
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable															



Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

Building entry and circulation objectives

Clause 58.05-2	Assessment
Objectives - To provide each dwelling and building with its own sense of identity. - To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. - To ensure internal communal areas provide adequate access to daylight and natural ventilation.	Complies
Standard D19 - Entries to dwellings and buildings should: - Be visible and easily identifiable. - Provide shelter, a sense of personal address and a transitional space around the entry. - The layout and design of buildings should: - Clearly distinguish entrances to residential and non-residential areas. - Provide windows to building entrances and lift areas. - Provide visible, safe and attractive stairs from the entry level to encourage use by residents. - Provide common areas and corridors that: - Include at least one source of natural light and natural ventilation. - Avoid obstruction from building services. - Maintain clear sight lines.	Complies The development is provided with entrances to dwellings that provide a sense of identity. This has been achieved through: - Providing direct entrances from the street, as well as entrances from communal areas, for those at the ground floor facing the street. - Providing recessed spaces for dwellings accessible via communal corridors, that provides a transition space around the entrances. - Use of different materials around the recessed entrance spaces, as well as providing lighting above the apartment number, to create a clear sense of dwelling identity. The communal entrances into the building are also provided with generous proportions, including large levels of glazing, covered areas over the entrances and the like to provide a sense of address to the building, as well as lighting. The lift lobby has been sited in a readily visible location, close to Hanover Street, to ensure ease of travel into and around the building. The corridors within the building are also provided with good access to natural light and ventilation, with windows to each corridor. Clear sightlines are maintained through the 'L' shape of the corridors.

Private open space objective

Clause 58.05-3	Assessment
Objective To provide adequate private open space for the reasonable recreation and service needs of residents	Complies



Standard D20

- A dwelling should have private open space consisting of at least one of the following:
 - An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
 - A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room.
 - An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room.
 - An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room.
- If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.
- If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.

Table D8 Balcony size

Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom	8 square metres	1.8 metres
	2 bedroom	8 square metres	2 metres
	3 or more bedroom	12 square metres	2.4 metres

Table D9 Additional living area or bedroom area

Dwelling type	Additional area
Studio or 1 bedroom	8 square metres
2 bedroom	8 square metres
3 or more bedroom	12 square metres

Variation required

All dwellings comply with or exceed the private open space standard in terms of balcony area. Apartment 1.02 (Type A02B) is a one bedroom apartment facing east. Apartment 1.02 does not meet the minimum dimension requirement in terms of balcony depth, given a minimum dimension of 1.53 m is proposed whereby 1.8 m is required. This represents a variation of 0.27 m which is considered reasonable, particularly given the minimum area of 8 sqm is provided.

Given the variation is limited to a single dwelling, this is considered minimal in the context of the 63 dwellings proposed.

Storage objective

Clause 58.05-4

Objective

- To provide adequate storage facilities for each dwelling

Standard D21

- Each dwelling should have convenient access to usable and secure storage space.
- The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.

Table D10 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the
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Assessment

Complies

Complies

Each dwelling type provides the minimum storage volume required via storage provided in the kitchen, bathroom(s) and bedroom(s)



dwelling		
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

Common property objectives

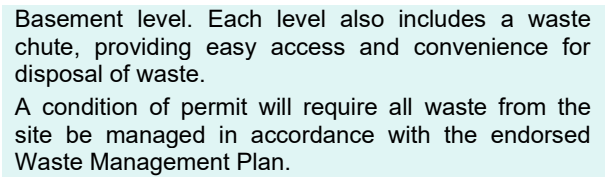
Clause 58.06-1	Assessment
Objectives - To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. - To avoid future management difficulties in areas of common ownership. Standard D22 - Developments should clearly delineate public, communal and private areas. - Common property, where provided, should be functional and capable of efficient management.	Complies Complies Communal and common property areas of the site have been designed to allow for efficient management by an owners corporation including the car parking areas in the basement. Outdoor common property areas are clearly delineated from private areas through design features.

Site services objectives

Clause 58.06-2	Assessment
Objectives - To ensure that site services are accessible and can be installed and maintained. - To ensure that site services and facilities are visually integrated into the building design or landscape. Standard D23 - Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically. - Meters and utility services should be designed as an integrated component of the building or landscape. - Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.	Complies Complies The proposal has sited services so that they are visually integrated into the building as much as practicable, as well as screened (where possible) from the surrounding streets. The mail room is located adjacent to the building entrance, ensuring high visibility for Australia Post and other delivery services. It is internalised and provides good space for mailboxes for all dwellings.

Waste and recycling objectives

Clause 58.06-3	Assessment
Objectives - To ensure dwellings are designed to encourage waste recycling. - To ensure that waste and recycling facilities are accessible, adequate and attractive. - To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm. Standard D24 - Developments should include dedicated areas for: - Waste and recycling enclosures which are:	Complies Complies The development provides for a dedicated waste bin storage area for residential waste within the





Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

- *Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.*

Table D12 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

Room depth objective

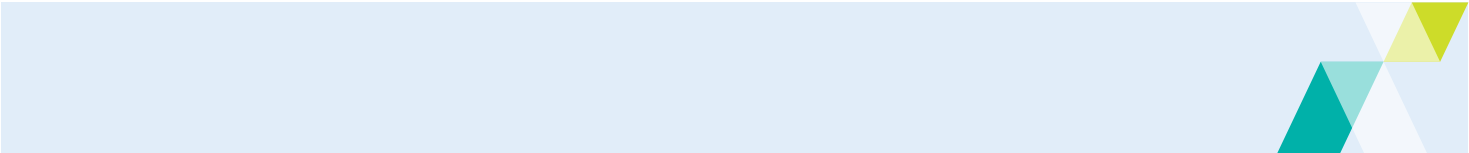
Clause 58.07-2	Assessment
Objective • <i>To allow adequate daylight into single aspect habitable rooms</i>	Complies
Standard D27 • <i>Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</i> • <i>The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:</i> ○ <i>The room combines the living area, dining area and kitchen.</i> ○ <i>The kitchen is located furthest from the window.</i> ○ <i>The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.</i> • <i>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</i>	Complies All single aspect habitable rooms comply with the requirements relating to room depth.

Windows objective

Clause 58.07-3	Assessment
Objective • <i>To allow adequate daylight into new habitable room windows.</i>	Complies
Standard D28 • <i>Habitable rooms should have a window in an external wall of the building.</i> • <i>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</i> • <i>The secondary area should be:</i> ○ <i>A minimum width of 1.2 metres.</i> ○ <i>A maximum depth of 1.5 times the width, measured from the external surface of the window.</i>	Complies All dwellings have windows in external walls of the building, compliant with this standard. Any bedrooms relying on secondary areas to provide daylight are provided with secondary areas with generous proportions, well over the minimum size of the standard.

Natural ventilation objectives

Clause 58.07-4	Assessment
Objectives • <i>To encourage natural ventilation of dwellings.</i> • <i>To allow occupants to effectively manage natural ventilation of dwellings.</i>	Complies 43% of dwellings achieve cross ventilation, exceeding the 40% requirement of this standard. In addition, all dwellings are provided with mechanical ventilation thus achieving the ventilation requirements of the Great Design Fast Track. centra
Standard D29 • <i>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</i> • <i>At least 40 per cent of dwellings should provide effective cross</i>	



ventilation that has:

- *A maximum breeze path through the dwelling of 18 metres.*
- *A minimum breeze path through the dwelling of 5 metres.*
- *Ventilation openings with approximately the same area.*
- *The breeze path is measured between the ventilation openings on different orientations of the dwelling.*

Appendix B: Council Submission/Objection

Matters raised in council submission/objection	Assessment/response
The development will result in an inappropriate heritage response and is inconsistent with the objectives and decision guidelines of the Heritage Overlay and Clause 15.03-1L of the Yarra Planning Scheme.	A detailed response is provided in the Assessment section under the heading 'Heritage' of this report. It was assessed that the proposed development appropriately responds to the objectives and decision guidelines of the Heritage Overlay and Clause 15.03-1L of the Yarra Planning Scheme and is supported by the project heritage consultants at Lovell Chen. Specifically, the Heritage Memo, prepared by Lovell Chen considers that the proposal provides an appropriate response to the surrounding heritage precinct, consistent with the provisions of the Heritage Overlay and Clause 15.03-1L of the Yarra Planning Scheme. In particular: • The existing buildings on site are non-contributory. The demolition of the buildings, and replacement with a new built form, provides an opportunity for built form which is more sympathetic to the surrounding heritage precinct. • The proposed massing of the building sits comfortably within the surrounding area, minimising impacts to the sensitive heritage interfaces. This has been achieved through siting the highest built form towards the eastern boundary, where existing views of taller built form (Atherton Gardens) are already present along Hanover Street. The lower built form is located opposite the World Heritage Environs Area, which has a lower rise built form character and narrow streetscapes along Fitzroy Street and Brunswick Place (south). • The proposed materials and finishes reflect the eclectic nature of materials within the South Fitzroy Precinct. This includes materials such as brickwork and metal and a colour palette of dark reds / tan at the lower levels, with beige at the upper levels.
Until such time as the land is rezoned, the development does not meet mandatory requirements of the Neighbourhood Residential Zone relating to garden area and maximum building height.	C271yara was gazetted on 30 July 2026. The 'Southern Parcel', which was previously zoned NRZ1 has since been rezoned C1Z. Accordingly the garden area requirement is now irrelevant. Furthermore, planning approval is no longer required under the NRZ. The application already seeks approval for the use of the land as a dwelling and buildings and works within the C1Z.
The development substantially does not comply with Draft Built Form Overlay – Schedule 17.	As stated earlier, on 30 July 2026, C271yara was gazetted and the Built Form Overlay has been adopted. A detailed response as to the variations to overall height, wall height and upper level setbacks has been provided in the assessment section of this report. Furthermore, it should be noted that while a detailed assessment against the relevant provisions of the BFO17 was undertaken, the requirements of the BFO17 do not technically apply given the transitional provisions of the BFO17.
The development lacks an adequate public realm response.	As stated earlier in the Assessment section of this report, the proposed development provides a suitable public realm response, significantly improving the existing public realm surrounding the site.
The allocation of commercial floor space is insufficient, failing to provide a development that aligns with the purpose of the Commercial 1 Zone, and with inadequate floor-to-ceiling heights and lack of adaptability.	The proposed development is located on a side street, recessed behind Brunswick Street. It is surrounded by residential interfaces (with the exception of the eastern interface to the rear of Brunswick Street, and the small interface with 4-6 Brunswick



	Place). Given this, the site is considered to provide an appropriate opportunity for housing growth, consistent with the need to provide 44,000 additional homes within the City of Yarra by 2051. Adaptability has been a key consideration through the OVGA's assessment of the proposal against the Design Principles of the Great Design Fast Track. Apartments have been designed with the ability to merge / split should demand arise in future for larger or smaller homes. Ground floor duplexes also include large voids at their frontage, creating an attractive commercial space should the demand arise for conversion to commercial floor space in the future. As such the proposed floor-to-ceiling heights are satisfactory. Furthermore, the proposed food and drink premises tenancies are flexible for a range of retail and/or commercial uses and provide an appropriate transition to the retail activity of Brunswick Street.
The bicycle parking provision for visitors is insufficient and the bicycle parking design for residents and employees does not comply with Clause 52.34 of the Yarra Planning Scheme and AS2890.3.	As stated earlier in the Assessment section of this report, Clause 52.34 of the Scheme requires a minimum of 20 bicycle spaces be provided, broken down to 13 spaces for the residents of the dwellings and 7 spaces for visitors of the dwellings. No spaces are required to be provided for the food and drink premises. The proposed development provides 76 spaces, which is well in excess of the minimum requirements and it is in accordance with the Scheme.
The development comprises built form outside of the title boundaries.	As discussed earlier in this report, a condition of permit will require the window shrouds and the convex mirror, both of which are proposed to be located outside the title boundaries, to be either deleted or repositioned inside the title boundaries of the site.
DTP are advised to obtain a peer review of the applicant's wind report and acoustic report.	The submitted wind report was prepared by a suitably qualified company and was prepared consistent with the requirements of Clause 58.04-4 of the Scheme. Given the site is not located within a Noise Influence Area as defined by Clause 58.04-3 – Noise Impacts (Standard D16) of the Scheme, an acoustic report is not required to be provided.
Notwithstanding the above, if the Department of Transport and Planning is of the mind to issue a permit, then the following conditions should be included:	The Council submitted a list of recommended permit conditions to be included in any permit to issue. Most of these conditions will either be included, included in a modified form or in a DTP equivalent form. Where it was considered not to include a condition, a response has generally been included in the body of this report.