

Planning Assessment Officer Report

PA2504136: 165-167
Johnston Street, 146-152
Argyle Street & 329 Napier,
MELBOURNE



Department
of Transport
and Planning



Planning Assessment Officer Report
Development Assessment

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Executive Summary



Key Information		Details	
Application No:	PA2504134		
Received:	21 January 2025		
Statutory Days:	5		
Applicant:	Newtown Fitzroy Pty Ltd c/- Contour		
Planning Scheme:	Yarra Planning Scheme		
Land Address:	159-167 Johnston Street, 146-152 Argyle Street & 329 Napier, FITZROY		
Proposal:	Use and development of an 11-storey building comprising of 243 'Build-to-Rent' dwellings with retail floorspace at ground level, above basement car parking		
Development Value:	\$ 72.5 m		
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 this application because it is an application under Division 1 of Part 4 of the Act to which Clause 53.22 (Significant Economic Development) applies.		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause	Commercial 1 Zone (C1Z)	<i>Use of the land for Accommodation (Dwellings) where any frontage at ground level exceeds 2m</i>
	31.01-1		
	34.01-4	Transport Zone 2 (TRZ2)	<i>Construct a building or construct or carry out works</i>
36.04-2			
Overlays:	Clause	Heritage Overlay – Schedule 334	<i>Partial demolition and construct a building and carry out works</i>
	43.01		
	43.02	Design and Development Overlay - Schedule 10	<i>Construct a building or construct or carry out works</i>
		Design and Development Overlay - Schedule 36	<i>Construct a building or construct or carry out works</i>
	45.01		
	Development Contribution Plan Overlay – Schedule 1	<i>Does not trigger a permit</i>	
45.03			
	Environmental Audit Overlay	<i>Does not trigger a permit</i>	
Particular Provisions:	Clause		
	52.06	Car Parking	<i>Does not trigger a permit</i>
	52.29	Land adjacent to the Principal Road Network	<i>A permit is required to alter access to a TRZ2</i>
	52.34	Bicycle Facilities	<i>Does not trigger a permit</i>
	53.06	Live Music Entertainment Venue	<i>Does not trigger a permit</i>
	53.18	Stormwater Management in Urban Development	<i>Does not trigger a permit</i>
	53.23	Significant Residential Development with Affordable Housing	<i>Does not trigger a permit</i>
Cultural Heritage:	N/A. The land is not an area of Aboriginal cultural heritage sensitivity.		
Total Site Area:	3,056	m ²	
Gross Floor Area:	22,039.5	m ²	



Height:	11	Storeys excluding plant
	36.745	Metres excluding plant
	39.9	Metres (total to Australian Height Datum – highest point for PANS OPS)
Land Uses:	Dwellings	Retail
	243	251.3sqm
Parking:	Cars	Bicycles
	91	246
Referral Authorities:	Head, Transport for Victoria (Determining referral authority)	
Advice sought:	City of Yarra (Section 52(1)(b))	
Section 57a Amendment	Formal amendment to include a permit trigger for use of the land for accommodation (dwellings) in C1Z where any frontage at ground level exceeds 2m and to provide more than the maximum parking requirement specified in clause 52.06-5 (4 spaces to commercial tenancy where a maximum rate of 2 spaces applies).	
Public Notice:	Notice was given and 24 objections were received.	
Delegates List:	Approval to determine under delegation received on 19 March 2026	

Application Process

- The key milestones in the application process were as follows:

Milestone	Date
DFP Eligibility Letter issued	29 October 2025
Application lodgement	21 January 2026
Further information requested	3 February 2026
Further information received	6 February 2026
Section 57a Amendment	1 May 2026 Formal amendment to include a permit trigger for use of the land for Accommodation (Dwelling) in C1Z where any frontage at ground level exceeds 2m.
Decision Plans	Architectural Plans prepared by Rothelowman, incorporating Revision B plans and dated 6 February 2026.
Other Assessment Documents	Acoustic Assessment prepared by Clarity Acoustics, Revision 4 and dated 14 October 2025. Civil Engineering Plans prepared by Edge, Revision P01 and dated 31 July 2025. Clause 58 Assessment prepared by Contour and dated December 2025. Desktop Environmental Wind Assessment prepared by MEL Consultants, Revision 2 and dated 18 June 2025. Green Travel Plan prepared by OneMileGrid and dated 14 October 2025. Heritage Impact Statement prepared by Bryce Rawthorh and dated October 2025.

Landscape Plan prepared by Florian Wild and dated October 2025.

Planning Report prepared by Contour and dated February 2025.

Stormwater Management Plan prepared by Edge Revision P03 and dated 14 October 2025.

Sustainable Management Plan prepared by IGS, Version 4 and dated 15 October 2025.

Transport Impact Assessment prepared by OneMileGrid and dated 16 February 2026.

Tree Management Plan prepared by Arbor Survey, Revision 2 and dated 4 July 2025.

Urban Context and Design Response Report prepared by Rothe Lowman and dated 9 October 2025.

2. There is a separate Council (PLN24/0253) application for part of the site (157-159 Johnston Street) proposing 'Full demolition of the existing buildings and construction of a 10 storey building (with two levels of basement) containing office, shop and food and drinks premises and dwellings (no permit required for uses); buildings and works and alteration to access to a road within a Transport Zone; and car parking reduction'.
3. A 'failure to determine' appeal was lodged to VCAT and hearings have been conducted (1-4 April 2025). A decision on this matter has not been handed down.
4. The subject of this report is the decision plans (as described above).

Proposal Summary

5. Specific details of the application include:
 - Construction of an 11 storey building above a basement level.
 - Use of the land for accommodation (dwellings).
 - Part demolition of the heritage building at 329 Napier Street, Fitzroy.
 - Creation of vehicle access form Argyle Street and removal of accessways from Johnston Street and Napier Street. Kerbs and footpath on Johnston Street and Napier Street will be reinstated.
 - Total of 95 car parking spaces. 91 in the basement and 4 at ground level.
 - Ground level commercial tenancy of 251sqm at the corner of Johnston Street and Napier. Residential entry and foyer fronts Napier Street.
 - Bicycle parking totalling 246 spaces, including a secure resident's cage and 12 visitor's spaces to Johnston Street.
 - Levels above ground floor are proposed residential (243 total dwellings) and includes 115 x Studios, 84 x 1 Bed, 28 x 2 Bed and 16 x 3 Bed apartments.
 - Onsite resident facilities at Level 1 include work from home area, gym, yoga space, communal terrace, lounge, bar and private dining area.
 - Additional rooftop facilities include 542sqm communal terrace including BBQ/dining areas and a dog run.
 - The proposed building typology is generally in a podium and tower arrangement. The podium is 4 storeys constructed of warm red tiles and precast materials. Tower elements incorporated podium materials and clear glazing, powder coated fixtures, aluminium balustrades and grey concrete.
6. Site layout at ground floor and concept images of the proposal are shown below:



Figure 3: Proposed concept elevation to Argyle Street



Figure 4: Proposed concept corner interface to Argyle Street and Napier Street



Site Description

7. The site is located at the corner of Johnston Street and Napier Street, Fitzroy and incorporates a frontage to Argyle Street. Existing uses include a Bottle Shop at 165-167 Johnston Street and furniture showrooms at 159-163 Johnston Street. These uses are contained within single storey commercial tenancies constructed to boundaries. An at grade car park with crossovers from Johnston Street and Napier Street is located in the street setback to Johnston Street.
8. The corner lot at Napier Street and Argyle Street (329 Argyle Street) contains a single storey Edwardian era contributory heritage building within HO334 (South Fitzroy Precinct). Historically this site has been used as a dwelling and incorporates later additions including a veranda and rear extension. The land has been repurposed for commercial uses associated with the adjoining land in Argyle Street and includes rear car parking. HO334 is applied to the site and broadly to the surrounds.
9. Lots forming part of the application in Argyle Street (146-152 Argyle Street) include two 'double height' brick commercial/warehouse buildings constructed to all boundaries in the 'mid-twentieth century'. These buildings are non-contributory to the South Fitzroy Precinct and have vehicle access via a double width crossover on the Argyle Street frontage.
10. Site frontages are approximately 48.03m to Johnston Street, 74.22m to Napier Street and 27.02m to Argyle Street with a total site area of approximately 3,056sqm. Johnston Street is identified as a TRZ2.
11. The site is formally described as comprising the following land parcels:
 - 159-161 Johnston Street, Fitzroy (Lot 1 on Title Plan 684361K)
 - 163 Johnston Street, Fitzroy (Land in Plan of Consolidation 103548)
 - 165-167 Johnston Street, Fitzroy (Lot 1 on Title Plan 148092D)
 - 146 Argyle Street, Fitzroy (Lot 1 on Plan of Subdivision 430315)
 - 152 Argyle Street, Fitzroy (Lot 2 on Plan of Subdivision 430315)
 - 329 Napier Street, Fitzroy (Lot 1 on Title Plan 109795)
12. There are several easements and restrictions registered on titles and include:
 - Party wall easements apply to Land in Plan of Consolidation 103548 and Lot 1 and 2 on Plan of Subdivision 430315.
 - Covenant B225462 applies to the land and restricts (inter alia) the use of the land for the sale of motor car parts, accessories or petroleum products, the carrying of a service station or garage business on Land in Plan of Consolidation 103548.
 - Covenant F386422 applies to the land and restricts (inter alia) the use of land for the purpose of selling, storing, displaying or advertising petroleum products on Lot 1 on Title Plan 148092D
 - Easements E-1 and E-2 extend along the rear boundary with a combined width of 1.75 metres. The two easements are registered to benefit Lot 2 on the Plan and for the purpose as a Carriage Way up to 28.25 metres above the A.H.D.
13. The proposal does not breach either of the covenant because it does not include use of the land for the purpose of a garage or service station business or proposed the selling, storing, displaying or advertising of petroleum products.
14. There is an approval associated with the adjoining site at 155 Johnston Street, Fitzroy known as 'Greystar Fitzroy' (Permit Number: PLN23/0441). This proposal was called in by Minister for Planning from VCAT (P1537/2023) and was referred (Referral 44) to the Priority Projects Standing Advisory Committee (PPSAC).
15. The PPSAC prepared a report with recommendations to the Minister for Planning who directed Yarra City Council to issue a permit for 'Demolition of existing buildings and development of a twelve-storey mixed-use building (11 storeys above ground level) with a reduction in car parking'.
16. The Greystar site is an irregular form with a 6.4m frontage to Johnston Street, adjoins the subject site in Argyle Street and has a 50.78m frontage to Young Street. Aerial view and site layout of Greystar is provided below:



Figure 5: Aerial view of 'Greystar Fitzroy' site

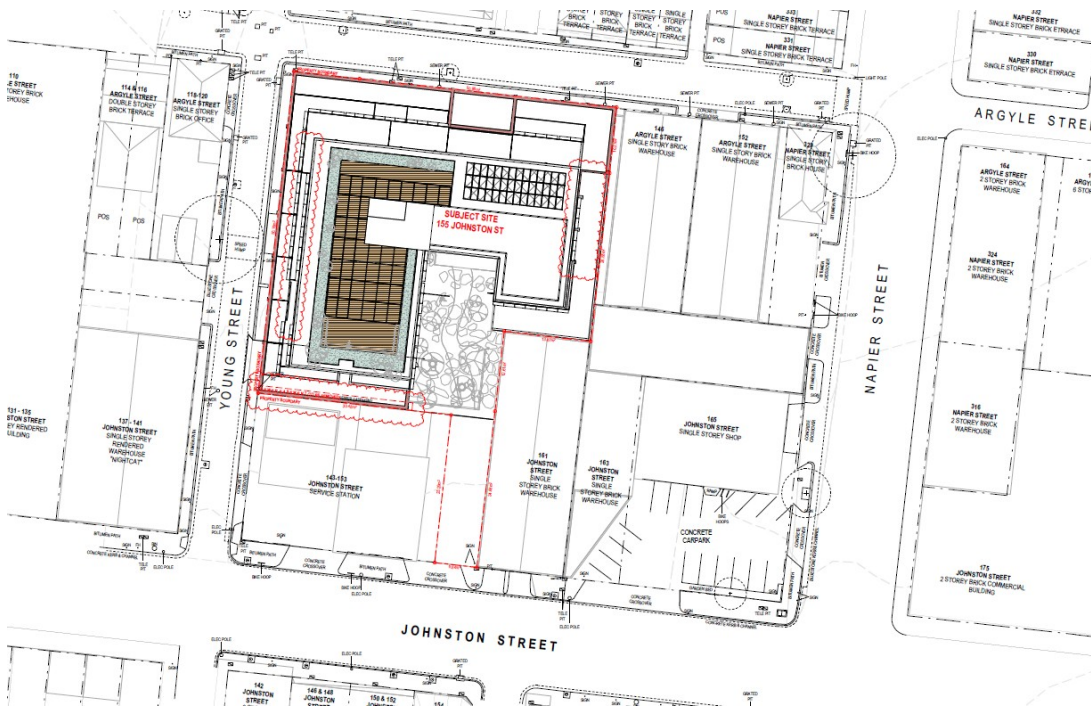


Figure 6: Site layout of Greystar Fitzroy approval

Site Surrounds

17. The surrounding development context features a highly mixed character of land uses and building types. Residential uses vary from low rise single terraced dwellings to apartments up to 8 storeys ('Artist Apartments' at 150 Kerr Street). Land uses fronting Johnston Street are typically commercial and include furniture showrooms in warehouse buildings, offices, petrol station and pubs.



18. HO334 (South Fitzroy Heritage Precinct) is applied extensively to the site and surrounds. The precinct is significant and recognised as the ‘first suburban allotments’ outside of the Melbourne Town Reserve and was established from the 1850s.
19. Development surrounding the site can be described as follows:
- To the **north** of the site land transitions from medium rise residential to low rise residential. The northside of Argyle Street is contained in the MUZ and transitions to Neighbourhood Residential Zone – Schedule 1 (NRZ1) north of Kerr Street. A diversity of residential building typologies and styles contributes to the site context.
 - To the **south** of the site land fronting Johnston Street is within C1Z and features a mixed character of building types and commercial uses. The Fitzroy Town Hall Hotel is located on the southern corner of Johnston Street and Napier Street with furniture showrooms, offices and other commercial uses located on the south side of Johnston Street. Fitzroy Primary School is located further to south with frontages to Napier Street and George Street.
 - To the **east** of the site land uses and planning controls transition from commercial to residential. Commercial land is located between Johnston Street and Argyle Street and incorporates warehouses with a mixture of commercial uses. Land north of Argyle Street is contained in MUZ and NRZ1 north of Kerr Street. Residential building typologies are similarly of a mixed character. Smith Street Major Activity Centre (MAC) is approximately 350m east of the site.
 - To the **west** of the site immediately adjoining is a service station which operates 24 hours a day and has access from Johnston Street and Young Street. The eastern accessway to the service station is separately titled and is on a long term lease to the service station. ‘The Night Cat’ live music venue is located on the western corner of Johnston Street and Young Street. Brunswick Street MAC is approximately 200m west of the site.
20. A site inspection of the subject site and surrounds was undertaken on 14 April 2026. Images of the site and surrounds are reflected in Figures 10-13.
21. The surrounding context is transitioning from a historical mix of lower rise residential and industrial uses to an emerging character a mixed uses within a building scales up to 11 storeys as depicted in Figure 9.



Figure 7: Aerial view of site (supplied by applicant)

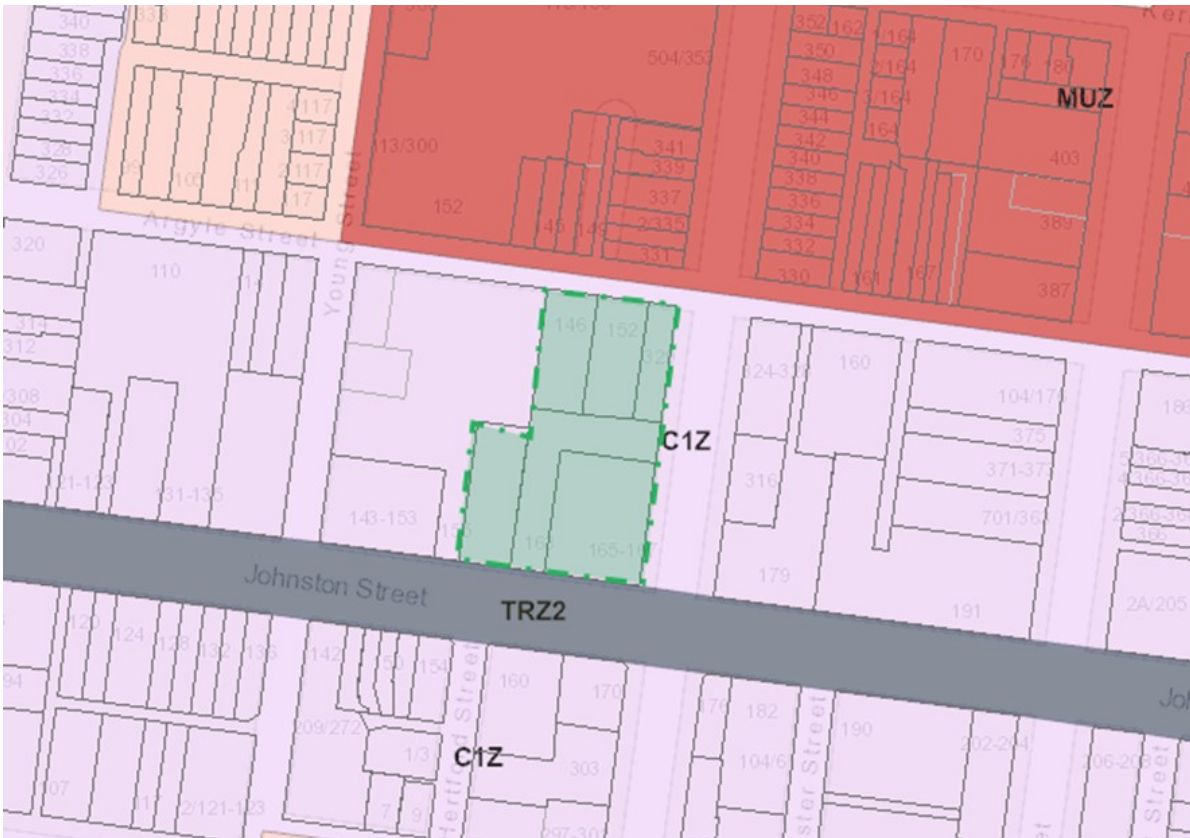


Figure 8: Surrounding zoning environment (Subject site shown in green)

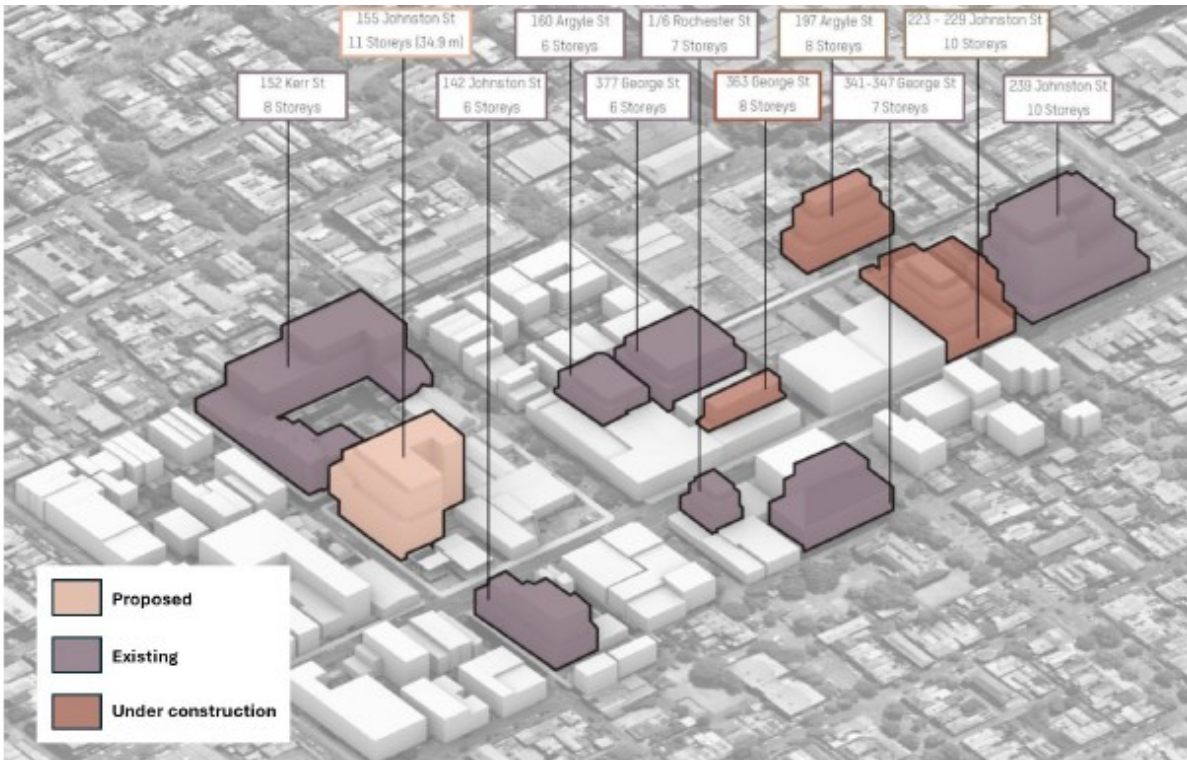


Figure 9: Surrounding scale of development (From Greystar PPSAC report)



Figure 10: Site frontage to Johnston Street



Figure 11: Site frontage to Napier Street



Figure 12: Frontage of heritage building to Argyle Street



Figure 13: Site frontage to Argyle Street



Municipal Planning Strategy

22. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03	Strategic Directions
02.04	Strategic Framework Plan

Planning Policy Framework

23. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause 11	Settlement
11.01-1R	Settlement – Metropolitan Melbourne
11.02-1S	Supply of Urban Land
11.03-1S	Activity Centres and Precincts
Clause 13	Environmental Risks and Amenity
13.04-1S	Contaminated and Potentially Contaminated Land
13.05	Noise
13.06-1S	Air Quality Management
13.07-1S	Land Use Compatibility
Clause 15	Built Environment and Heritage
15.01-1S	Urban Design
15.01-1R	Urban Design – Metropolitan Melbourne
15.01-2S	Building Design
15.01-2L-01	Environmentally Sustainable Development
15.01-4S	Healthy Neighbourhoods
15.01-4R	Healthy Neighbourhoods – Metropolitan Melbourne
15.01-5S	Neighbourhood Character
Clause 16	Housing
16.01-R	Housing supply – Metropolitan Melbourne
16.01-1L-01	Housing diversity
16.01-2S	Housing affordability
16.01-2L	Housing affordability
Clause 17	Economic Development
17.01-1S	Diversified Economy
17.01-1L	Employment
17.02-1S	Business



Clause 18	Transport
18.01-1S	Land Use and Transport Planning
18.01-3L	Sustainable Transport
18.02-1S	Walking
18.02-1L	Walking
18.02-2S	Cycling
18.02-2L	Cycling
18.02-4L-01	Car Parking
Clause 19	Infrastructure
19.03-3S	Integrated Water Management
19.03-3L	Water Sensitive Urban Design
19.03-5L	Waste

24. The assessment section of this report provides a detailed assessment of the relevant planning policies.

Zoning and Overlays

Applicable Zones

25. A planning permit is required to construct a building or construct or carry out works and for use of the land for Accommodation (Dwellings) at ground level in accordance with the Commercial 1 Zone. The purpose of the C1Z is:

- *To implement the Municipal Planning Strategy and 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.*

26. Johnston Street is within Transport Zone 2 (TRZ2) (Principal Road Network). The purpose of TRZ is:

- *To implement the Municipal Planning Strategy and Planning Policy Framework.*
- *To provide for an integrated and sustainable transport system.*
- *To identify transport land use and land required for transport services and facilities.*
- *To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.*
- *To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.*

27. The following sections include a discussion of how the proposal responds to these requirements.

Applicable Overlays

28. A planning permit is required to construct a building or construct or carry out works in accordance with DDO10 and DDO36. A detailed assessment against the Design Objectives, Building and Works requirement and Decision Guidelines is undertaken in the report.

29. A permit is required is for partial demolition and buildings and works in HO334. The building at 329 Argyle Street is contributory to the South Fitzroy Heritage Precinct. All other lots associated with the application are non-contributory to HO334.

Other Overlays

30. The DCPO1 applies to all land in Yarra. A condition is included on the permit requiring payment of the Development Infrastructure Levy and Community Infrastructure Levy to Council.
31. The EAO also applies to the land and identifies the site as being potentially contaminated. Requirements under the EAO are separately discussed.

Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Clause 52.06 (Car Parking)

32. Clause 52.06 specifies that before a new use commences, the number of car parking spaces must be provided to the satisfaction of the responsible authority and sets out the requirements for the provision of car parking for a variety of uses at Table 1 of Clause 52.06-5.
33. Requirements under this provision are met and is separately discussed.

Clause 52.29 (Land adjacent to the principal road network)

34. A permit is required to create or alter access to a road in a TRZ2. The proposal seeks to alter access to Johnston Street by reinstating a kerb in place of a crossover at 163-167 Johnston Street. Johnston Street is within TRZ2. The application has been referred to HTFV who do not object subject to conditions.

Clause 52.34 (Bicycle Parking)

35. Clause 52.34 specifies that a new use must not commence until the required bicycle facilities have been provided on the land and sets out the requirements for the provision and design of bicycle parking for a variety of uses at Table 1 to Clause 52.34. Bicycle parking provisions are discussed in the report.

General Requirements and Performance Standards

Clause 53.18 (Stormwater management in urban development)

36. Clause 53.18 applies to the buildings and works requirements of this application. The clause includes standards and objectives relating to stormwater retention and reuse to mitigate the impacts of stormwater on the environment. Application documents address this requirement and permit conditions are recommended to ensure stormwater management is appropriately managed throughout all stages of the development.

Clause 53.23 (Significant residential development with affordable housing)

37. This provision supports the facilitation of residential development that contributes to the provision of affordable housing to meet existing and future needs and includes opportunities for different delivery of affordable housing.
38. The proposal meets the requirements of 'Category 1' of this provision which requires that the estimated cost of the proposed development to be greater than \$50m (confirmed by a quantity surveyor), include an affordable housing contribution (consistent with Table 1 conditions of Clause 53.23-1) and the likely feasibility of the proposed development must be demonstrated by written advice from Invest Victoria.
39. The application commits to a 3% (of total development value) cash affordable housing contribution. A condition of the permit requires the land owner to enter into a Section 173 agreement (under the P&E Act) that provides for a contribution towards affordable housing. The condition allows the affordable housing contribution as sale or lease to a registered housing agency or to Homes Victoria or an alternative contribution to the satisfaction of the responsible authority.



40. Similarly, advice from Napier & Blakey dated 18 August 2025 confirms that development cost is \$72.5m exceeding the \$50m requirement.
41. A letter from Invest Victoria dated 23 October 2025 has been supplied confirming the likely financial feasibility of the proposal.

Relevant Strategic Plan / Background Documents

Planning Scheme Amendments

42. Planning Scheme Amendment C270yara was approved on 27 August 2021 and applied DDO36 (Fitzroy East and Johnston Street North) to the site on an interim basis until 4 March 2023. Interim controls were extended on 25 June 2025 under C332yara and now apply until 30 June 2026 and supersedes DDO10 (Johnston Street Precinct – West of Smith Street) which remain in the planning scheme.
43. Amendment C271yara proposes to apply DDO36 permanently (and other built form controls in Fitzroy and Collingwood) through translation to the new Built Form Overlay (BFO). On 23 December 2025, the Minister for Planning referred the draft Amendment to the Yarra Activity Centre Standing Advisory Committee (YACSAC). Public hearings are scheduled from 8 April 2026 to 24 April 2026 to consider permanent controls.
44. Although DDO10 remains in the planning scheme, DDO36 represents the most update to date strategic assessment work and is anticipated to inform permanent built form controls as part of C271yara. DDO36 is the most relevant built form control and forms the primary assessment provision in relation to built form.
45. Draft updated DDO36/BFO controls (dated 4 February 2026) have been circulated as part of YACSAC and propose to update Map 1 (Building and street wall heights) to retain the heritage street wall at 329 Napier Street. The proposal is consistent with the draft update to DDO36/BFO.

Relevant Decisions

46. As previously discussed, an application on the adjoining site at 155 Johnston Street, Fitzroy (Greystar Fitzroy) was called in from VCAT by the Minister for Planning and referred to the PPSAC for advice and recommendations. The report prepared by the PPSAC found that the proposal would achieve an acceptable planning outcome and that, on balance, provides a net community benefit and sustainable development.
47. Key design features of the Greystar approval include:
 - Overall building height of 34.9m and 11 storeys (over a basement level) (plus plant equipment and lift overrun)
 - Street walls of 12.61m to Argyle Street, 16.03m to Young Street and 15.39m southern boundary wall to service station
 - Upper level setbacks generally from level 4 provided at 6m. Upper level setbacks to Young Street from level 5 at 3m.
 - Ground level 'Food & Drink' premises of 67sqm and residents' amenities.
 - Materials are concrete, with a range of red, grey and white finishes. Balustrades at podium level are a patterned concrete.
48. The Minister for Planning directed Yarra City Council to issue a permit for demolition of the existing buildings, development of a multi storey, mixed-use building, use of the land for dwellings and a reduction in the statutory car parking requirements.



Referrals

49. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Head, Transport for Victoria	3 March 2026 No objection (subject to conditions)

Municipal Council Comments

50. Yarra City Council was notified of the application under Section 52(1)(b) of the *Planning and Environment Act 1987* (P&E Act). Council considered the application at its Planning Decisions Meeting on 24 March 2026 and resolved to not support the proposal on the following grounds:

- The proposal is contrary to the design objectives and design requirements of Schedule 36 to Clause 43.02 (Design and Development Overlay) of the Yarra Planning Scheme regarding building height and massing and fails to provide an appropriate transition in height to lower scale development to the north of the site;*
- The proposal is contrary to the objectives of Clause 43.01 and heritage policies at Clause 15.03-1 and will detract from the South Fitzroy Heritage Precinct due to its height, massing and design detail and is not sufficiently responsive to its heritage context and will dominate the “contributory” heritage building at No. 329 Napier Street; and*
- The proposal would result in poor on-site and internal amenity outcomes (inadequate secluded private open space, daylight and natural ventilation) to the apartments contrary to Clause 15.01 and Clause 58 of the Yarra Planning Scheme.*

51. Yarra also resolved:

- That the application needs to be amended under Section 57A of the Planning and Environment Act (1987) to apply for the use of the site for dwellings or re-design the ground floor to ensure there is no permit trigger for the dwelling use pursuant to the Commercial 1 Zone.*

52. Notwithstanding, Yarra submitted a set of conditions for consideration should it be determined that permit be granted.

Head, Transport for Victoria

53. Head, Transport for Victoria (HTfV) is a Section 55 determining referral under Clause 66.02-11 (Land use and transport integration) and Clause 66.03 (Referral of permit applications under other state standard provisions) in relation to the permit trigger under Clause 52.29-4 (alteration of access to a road in TRZ2).

54. HTfV responded on 3 March 2026 with ‘No objection subject to conditions’. The condition relates to the requirement for a permit under Clause 52.29-4 which proposes to delete vehicle access from Johnston Street (2 crossovers).

55. Conditions required by HTfV require all disused or redundant vehicle crossings along Johnston Street must be removed, and the area reinstated to kerb and channel at no cost to HTfV. This condition and the associated notes are included in the permit.

Notice

56. The application is not exempt from the notice requirements of Section 52 of the *Planning and Environment Act 1987* under Clause 34.01-7 of the Commercial 1 Zone as it relates to the construction of buildings and works because the site is within 30 metres of land in a residential zone (MUZ).



57. Notice is similarly required under Clause 43.01-4 of the Heritage Overlay (part demolition and buildings and works) and Clause 43.02-2 of Design and Development Overlay for buildings and works (DDO schedules do not include notice exemptions).
58. Section 52(1)(b): notice must be given to the municipal council. Yarra City Council has been notified of the application.
59. Sections 52(1)(ca) and 52(1)(cb): N/A – relates to registered restrictive covenants. The land is affected by a covenants B225462 and F386422. Notice is not required under this provision because the application does not seek to vary or remove a covenant and grant of a permit would not breach the covenants.
60. Section 52(1)(d): requires notice be given to any other persons as the grant of the permit may cause material detriment to them. Owners and occupiers of nearby land have been notified. Signs were also displayed on each street frontage (Johnston Street, Napier Street and Argyle Street) for 14 days advising of the proposal.
61. Public notice concluded on 10 March 2026, and a total of 24 objections have been received. Key themes include those listed below, and DTP's response to each is discussed in the body of the assessment section below and summarised in Appendix 3:
- Compliance with DDO36 (building and street wall heights, bulk and setbacks).
 - Architectural design/building appearance.
 - Affordability of dwellings.
 - Dwelling layouts including Studios.
 - Traffic impacts on Napier Street (cycling corridor).
 - Overshadowing of Napier Street and 22 September as the assessment date.
 - Car parking.
 - Traffic.
 - Recommendation that the development be retained as rental accommodation.
 - Bicycle parking location and access.
 - Affordable housing contribution.
 - Loss of views.
 - Overlooking/privacy.
 - Wind impacts.
 - Construction impacts (e.g. noise and environmental impacts).
 - Neighbourhood character.
 - Heritage impacts.
 - Use of ministerial pathway.
 - Stormwater management.
 - Noise from rooftop communal open space.
 - Clause 58 compliance.



- Response to adjoining approval (Greystar).
- Acoustic mitigation responses.

62. The application was amended under Section 57a of the Act on 1 May 2026 to include use of the land for accommodation (dwellings) and provide more than the maximum parking requirement specified in clause 52.06-5 (4 spaces to commercial tenancy where a maximum rate of 2 spaces applies). Further notice was not undertaken of the amended application. In accordance with Section 52 the amended application will not result in further material detriment beyond what was initially consulted on.

63. No further material detriment will occur as a result of the Section 57a amendment because:

- The advertised plans showed ground level residential uses and commercial car parking space. Objectors and other parties notified would be aware that dwellings are proposed at ground level.
- Section 57a amended was requested to correct a technical omission and to ensure that all relevant permit triggers are captured in the final decision.
- Objections did not raise this omission/residential uses at ground level or rate commercial car parking as a concern.
- Further notice of the application would unlikely result in new matters being raised as a result of the Section 57a amendment (e.g. scope of amendment is limited to capturing additional permit triggers).



Strategic Direction and Land Use

65. The Planning Policy Framework (PPF) 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.
66. The Municipal Planning Strategy (MPS) sets the strategic direction for land use and development including identifying locations for preferred future growth and built form outcomes.
67. The relevant MPS and PPF policies have been considered in assessing the application. The site is within a Neighbourhood Activity Centre (NAC) as identified in the Strategic Framework Plan at Clause 02.04. Similarly, the site is strategically located between two Major Activity Centres including Brunswick Street MAC (200m to the west) and Smith Street MAC (350m to the east).
68. Housing strategy at Clause 02.03-5 of the MPS supports directing housing growth within activity centres that have good access to public transport, jobs, open space and other services. This direction also supports the provision of additional and improved social housing (including public and affordable housing). The application includes an affordable housing contribution as required by Clause 53.23 and has excellent access to services and public transport in the adjoining MAC's.
69. The site's strategic location within a NAC and adjoining two MACs is similarly supported by various policies within the PPF including Clause 11.03-1S (Activity Centres and Precincts), Clause 16.01-2S (Housing affordability), Clause 16.01-R (Housing supply – Metropolitan Melbourne) and Clause 18.01-1S (Land Use and Transport Planning).

Buildings and Works & Use of Land

70. The zoning and overlay provisions have been considered in the application.
71. The purpose of the C1Z have been considered. 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.*
72. The proposal directs additional housing to a NAC (strategically located between two MACs) consistent with directions in the MPS and PPS at a scale that is consistent and complimentary with nearby approvals and established developments.
73. Additionally, a ground level commercial tenancy is included in the design creating opportunities for a vibrant mix of uses as supported by Clause 17.01-L (Employment) and Clause 17.01-1S (Diversified Economy).
74. The application has been amended under Section 57a to include a permit trigger for 'accommodation (dwellings)'. A permit is required for the use of land for a dwelling in the C1Z if any frontage at ground level exceeds 2m.
75. Use of the land for dwellings at Napier Street and Argyle Street is acceptable because these frontages are mostly residential or mixed use streets and are not the sites primary frontage. Yarra did not object to the ground level residential uses.
76. Commercial uses are proposed to the primary commercial frontage to Johnston Street. It is noted that ground level commercial use does not require a permit.



77. The decision guidelines of the C1Z have been considered for both the proposed use and development under the zone. The use is consistent with the decision guidelines and matters related to traffic, drainage and connection to services are discussed in the report and application material.
78. Similarly, the building and works decision guidelines of the C1Z have been satisfied. Consideration of Clause 58, car parking, movement networks, waste storage and collection and solar access considerations are discussed in this report and application material.
79. The proposal is appropriate, having regard to the built-form decision guidelines of DDO36. This is discussed in detail in the below section.
80. Heritage considerations in response to HO334 are also discussed below.

Height and Setbacks

81. The following design objectives and guidelines of the DDO36 are relevant:

DDO Control	Requirement	Proposal	Variation
Maximum building height	30.4m	36.745m	6.345m
Maximum street wall height	14.4m (Johnston Street & Napier Street) 11.2m (Argyle Street)	14.8m 15.95m	0.4m 4.75m
Minimum upper level setback	10m (Upper levels above Argyle Street street wall) 6m (Upper levels above the primary and side street wall)	6m 5.08m to 13.8m (Johnston Street) 7.18m to 7.98m (Napier Street)	4m

82. The PPSAC in the Greystar decision considered the suitability of built form which sought to vary the discretionary requirements of DDO36 in relation to height, street wall height and upper level setback. Figure 13 outlines proposed building envelopes and variations in the matter Greystar matter.

Element	Requirement (metres)	Application (metres)	Exceedance (metres)
Street wall Young Street	14.4	16.03	1.63
Street wall Argyle Street	11.2 (14.4 at intersection with Young Street)	12.43-16.08	1.4-4.83
Upper level setback Young Street	6	3	3
Upper level setback Argyle Street	10	6 10 for Level 9	4
Building height	30.4	34.9	4.5

Figure 13: Proposed building envelopes and variations in Greystar approval

83. The PPSAC found that variation to overall building and street walls height is acceptable and that higher scale development is expected in the immediate surrounds and a development at that scale will sit appropriately within this emerging urban context.



84. Specifically, regarding the proposed street wall heights to Argyle Street, the PPSAC found that these heights were similar to the 'Artist Apartments' at 150 Kerr Street. The proposed street wall at 15.95m creates a consistent and substantially continuous street wall height with the Greystar site at Argyle Street which varies from 12.4m to 16.08m.
85. Street wall heights to Johnston Street are proposed at 14.8m and generally comply with DDO36 which sets a preferred street wall height of 14.4m. The design achieves design objectives to create a new prominent street wall along the northern side of Johnston Street.
86. The street wall to Napier Street transitions from the corner at Johnston Street to a DDO compliant height midblock and further steps down to the retained heritage building at the corner of Napier Street and Argyle Street as shown in Figure 14.



Figure 14: Napier Street street wall transition

87. Upper level setbacks to Argyle Street are proposed at 6m which is a variation from the preferred 10m setback under DDO36. Upper levels setbacks to this interface match the approved Greystar development and will result in a consistent rhythm of built form to Argyle Street. The PPSAC support this podium-tower arrangement.
88. Upper level setbacks to Johnston Street are staggered from Levels 4-7 (5.5m) and extend to 13.6m at upper levels. This is generally consistent with DDO36 which outlines preferred upper level setbacks above primary and side street wall should be set back by a minimum of 6 metres. This is similarly achieved at Napier Street where setbacks are provided at 7.98m from Level 4.
89. There is no new built form proposed above the retained heritage building with the heritage roof form to be maintained as supported by Clause 2.3 and Clause 2.4 of DDO36. Upper level setback strategies are shown in Figure 15.
90. General upper level design principles at Clause 2.4 to DDO36 include:
 - *be visually recessive from main frontages and side streets to ensure development does not overwhelm the heritage buildings and minimise upper level bulk;*
 - *be set back from the street wall below to ensure that upper level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street; and*
 - *contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.*
91. The upper level setback response achieves these principles. No built form is proposed above the heritage building and the heritage place will continue to have primacy in the streetscape, upper levels to Napier Street generally



exceed DDO36 requirements, upper level setbacks to Johnston Street incorporate a 'two step' approach and are compliant with the DDO from Level 8 and setbacks to Argyle Street are consistent with the Greystar approval.

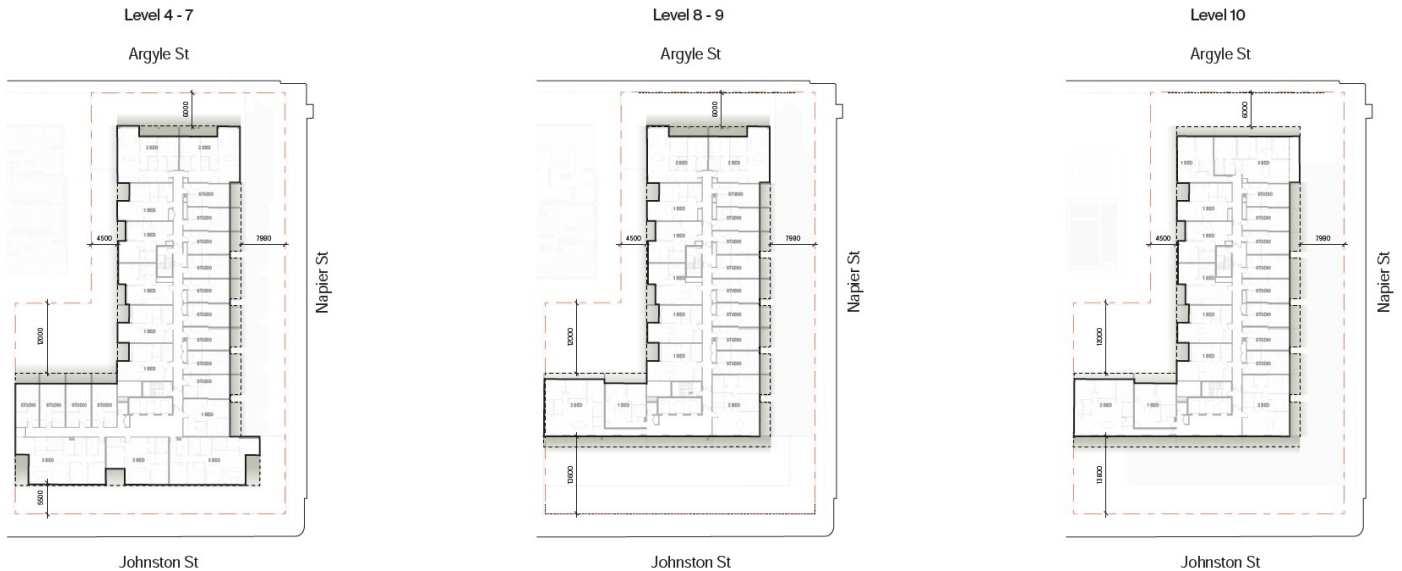


Figure 15: Upper level setback design response

92. Setbacks to the western interface seek to vary DDO36 requirements. Boundary walls are proposed to the bank of apartments adjacent to Johnston Street. Where a development shares a common boundary within DDO36 a 3m setback should be provided from the common side boundary where a commercial or non-habitable window is proposed.
93. A variation is acceptable because boundary walls are proposed adjacent to the accessway to the service station and replace existing boundary walls. Dwellings in this section of the building are orientated to street (balconies, living rooms and bedrooms) or to the north and benefit from a large break in form for daylight and ventilation (area of 12m x 17m) (see Figure 18).
94. Although, there is a building rebate (2m x 1.5m) with windows on the western elevation, this is acceptable because these windows are for the purpose of daylight and ventilation of internal accessways and are not habitable rooms. Potential future development of the service station has the scope to match boundary walls to Johnston Street and equitable development opportunities are maintained for the adjoining site.
95. Boundary walls at the northern interface to Argyle Street generally match the Greystar approval to Level 2. A boundary wall is proposed at Level 3 where the Greystar approval is set back 4.5m from the shared boundary.
96. This is acceptable because the boundary wall is proposed for approximately 13.6m of the shared boundary where a 4.5m setback is provided on the Greystar and is opposite 1 dwelling. This dwelling is orientated to Argyle Street with the living room and main bedroom fronting the street. The proposed boundary wall is partly opposite the secondary bedroom which is setback 4.5m from the boundary. This bedroom has appropriate daylight within the setback area and windows are not proposed within the boundary wall.
97. Figures 16 and 17 depict interfaces at Level 3 to the Greystar approval.

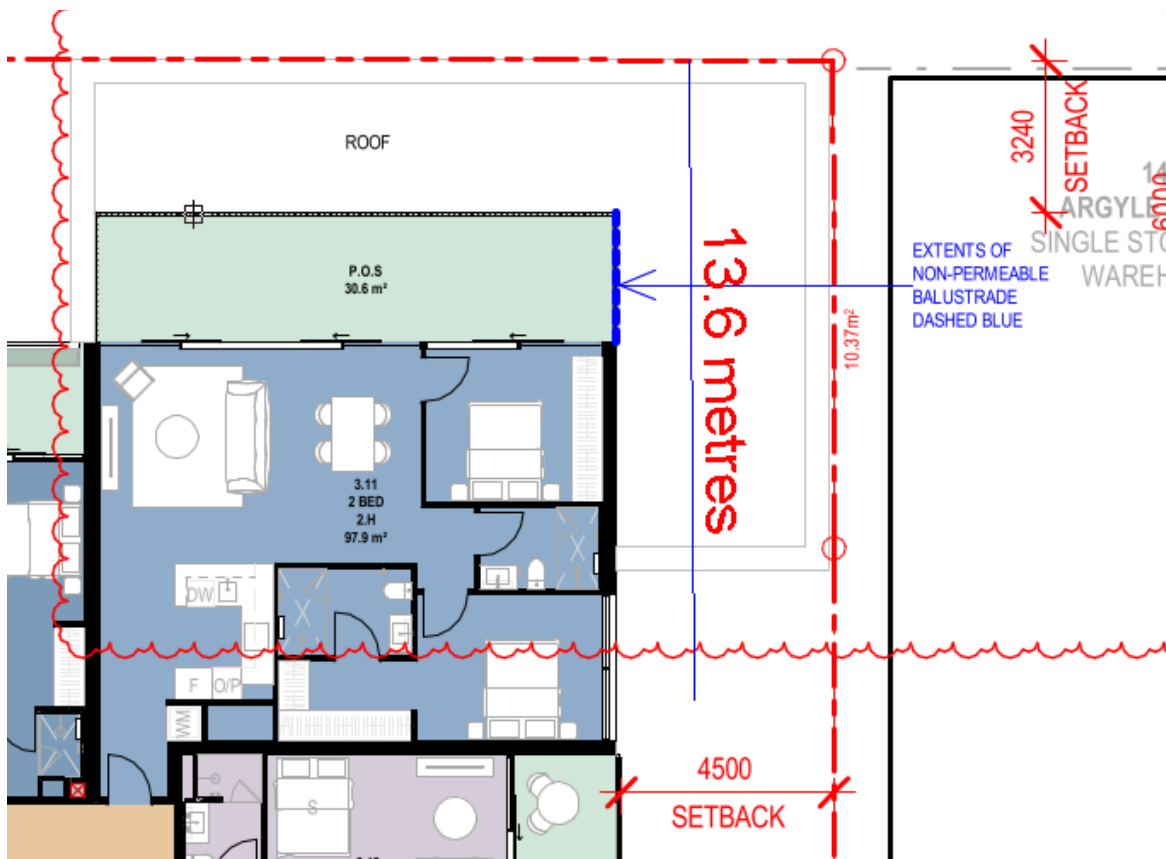


Figure 16: Level 3 setback and habitable room window (east) Greystar approval

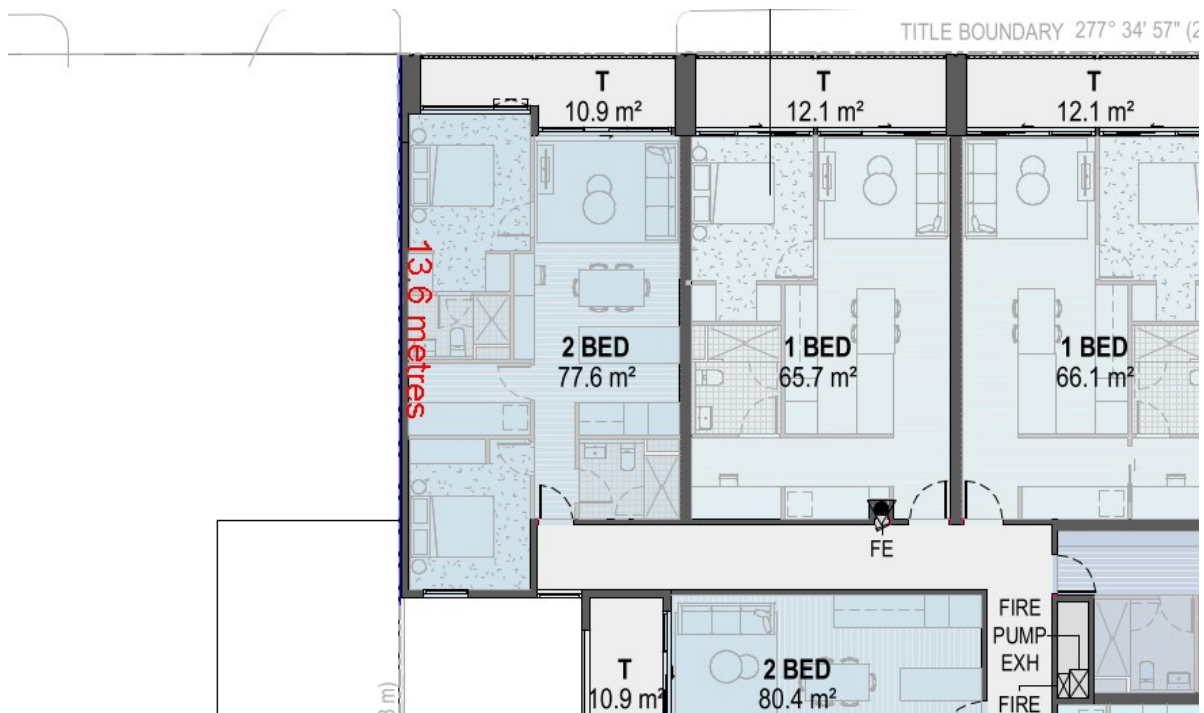


Figure 17: Proposed Level 3 boundary wall (west)



Figure 18: Boundary walls to western interface and dwelling orientations (central break)

98. Setbacks to the west midblock are provided at 4.5m to create building separation of 8.5m to 9m from the site to the Greystar approval. This is consistent with building separation requirement under Clause 2.8 of DDO36 which requires a 4.5m setback where development shares a common boundary within the overlay.
99. It is noted that part of the building separation requirements from the Greystar site to the east where interfacing the subject site vary from the DDO. Setbacks are provided at a minimum of 4m.
100. The proposed overall building height at 36.745m (to the building parapet at roof level) seeks to vary the preferred maximum height in DDO36 of 30.4m and is marginally higher than the approved Greystar building at 34.9m.
101. The proposal is 6.345m greater than the preferred height of the DDO and 1.845m greater than Greystar and is acceptable because:
 - DDO36 encourages a preferred future character of prominent street walls a taller/mid-rise form on the north side of Johnston Street. Greystar does not have a Johnston Street interface and is of comparable height.
 - The proposal consolidates a series of lots in a corner environment while retaining a heritage building.
 - Building heights are marginally higher than the Greystar approval which was supported by the PPSAC. Additionally, the site fronts an arterial road where more intense form is proposed. Built form transitions along Napier Street and thoughtfully incorporates the retained heritage building.
 - Massing is appropriately distributed. The site extends from Johnston Street to Argyle Street allowing generous upper level setbacks (in excess of DDO36) along the eastern frontage to Napier Street. This reduces the visual impact of the additional height with the massing composition concealing upper level when viewed from residentially zone land in the north.
 - Overshadowing requirements in relation to the public realm (footpaths) are substantially met.



Design Detail

102. The architectural response is well resolved and substantially references the eclectic and historical industrial character of the Fitzroy East and Johnston Street North precinct. Building materials include warm terracotta precast and tiles at podium levels with integrated landscaping. This is contrasted by grey powder coated and aluminium fixtures and grey concrete panels above the podium.
103. The proposed design detailing is a successful contextual response which appropriately addresses the sites distinctive interfaces. Building mass is delineated across each interface creating a distinctive identity to each façade. This is achieved by:
- The response to Johnston Street and the corner environment to Argyle Street responds to the urban environment through a robust podium design incorporating active frontages (including ground level retail) and with quality materials which reference the historical character of the surrounds.
 - Design detailing transitions along Napier Street and addresses residential development further to the north. This is achieved through lower street walls incorporating landscaping and fine grain vertical two storeys framing elements referencing terrace dwellings north of Argyle Street. Built form steps down and appropriately integrates the heritage building into the streetscape. Level 2 communal open spaces with landscaping are integrated into this interface creating activation and sense of passive surveillance to Napier Street.
 - The fine grain residential character incorporating framing elements extends to the Argyle Street interface. The design response at this interfaces balances references to existing robust industrial character (featuring solid brick warehouse structures with parapets built to the boundary) with the emerging and adjacent residential character.
104. The design response is consistent with the objectives of DDO36 and appropriately transitions the scale and mass of the building down to more sensitive interfaces and incorporates façade composition and articulation consistent with varied industrial and residential heritage character of Fitzroy East.

Heritage

105. The application is supported by a Heritage Impact Assessment (HIS), prepared by Bryce Rayworth. Each lot is contained in HO334 (South Fitzroy Precinct) and are non-contributory to the precinct except for 329 Argyle Street (corner lot with Napier Street).
106. This lot contains a single storey dwelling constructed in approximately 1913 which replaced an earlier 19th century dwelling. The building is described in the HIS as a modified single-storey red brick late Federation dwelling. The building is heavily modified and includes a rear (southern) addition, substantial rebuilding of the northern wall and later reproductions of the verandah and fencing.
107. The South Fitzroy Precinct is significance because land in the precinct are the first 'suburban' land allotments to be sold outside of the Melbourne town reserve. 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.
108. The HIS describes the immediate heritage surrounds as:

Low-integrity, low consistency context with regard to heritage. This part of the precinct is characterised by a low proportion of heritage buildings in the adjacent streetscape context, with none along the north side of Johnston Street and a mixed building stock (including some heritage buildings) along the south side. In terms of Napier Street, as outlined above, there are no heritage buildings located along the opposite eastern side of Napier Street, with some heritage buildings the north within Napier Street, i.e. to the north of Argyle Street. Argyle Street itself is not a sensitive heritage environment.

There are only small number of heritage buildings in the vicinity, amongst which the Fitzroy Town Hall is

graded significant, and the others are of contributory status. The buildings are not of a consistent architectural style or typology.

109. Part demolition of 329 Argyle Street is proposed with boundary walls fronting Argyle Street and Napier Street retained. The roof is proposed to be reconstructed noting that the current roof is not constructed of original materials. Extent of demolition is shown at Figure 21.
110. DDO36 has been updated as part of C271yara and Map 1 (Building and street wall height) and includes a preferred requirement to retain the heritage street wall to Napier Street. The HIS report when commenting on demolition references the interim control which does not recommend retention of the heritage street wall.
111. The HIS report acknowledges that the extent of demolition results in 'facadism' to a certain extent something that is not supported in Council policy (Clause 15.03-1L). However, it is commented that "the current heritage building is of low interest and integrity – being appreciably altered with an addition to the south and the verandah reconstructed/constructed".
112. The HIS concludes that the extent of demolition and reconstruction is acceptable because the building does not have a direct interface with any adjacent heritage buildings and its immediate context contains modern and ungraded buildings that are somewhat isolated from the more defined heritage streetscapes found north of Argyle Street.
113. Overall, the heritage place provides a minimal contribution to the broader precinct, and the extent of retention will provide a scale and character link to the heritage buildings to the north on the west side of Argyle Street. This is accepted.



Figure 19: Image of dwelling at 329 Argyle Street in the early 1970s (excerpt from HIS)



Figure 20: 329 Napier Street frontage to Napier Street (14 April 2026)

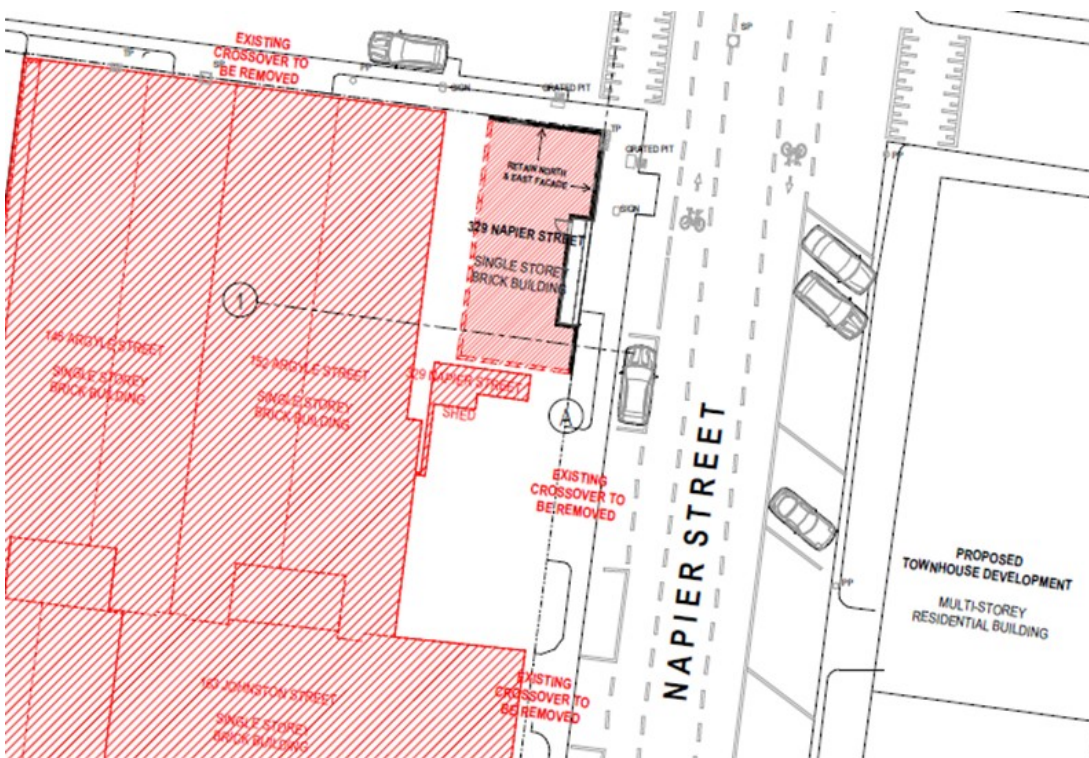


Figure 21: Proposed demolition plan



114. The HIS also considers the appropriateness of the proposed works. Strategies for new development within Yarra's heritage policy seek to promote development that is high quality and respectful in its design response by:
- *Maintaining the heritage character of the existing building or streetscape.*
 - *Respecting the scale and massing of the existing heritage building or streetscape.*
 - *Retaining the pattern and grain of streetscapes in heritage places.*
 - *Not visually dominating the existing heritage building or streetscape.*
 - *Not detracting from or competing with the significant elements of the existing heritage building or streetscape.*
 - *Maintaining the prominence of significant and contributory elements of the heritage place.*
115. As identified in the HIS the 'low integrity and low consistency' heritage values of the immediate context means there is no consistent heritage character to be referenced in relation to street wall height, patterns of articulation and architectural character.
116. Notwithstanding it is commented that the interface from the heritage site has been managed in a considered manner and provides a transition in scale and character to adjoining land within the South Fitzroy Precinct in Argyle Street and Napier Street to the north and west.
117. The HIS remarks that the street wall treatment to Napier Street reads as two storeys incorporating 'a trabeated element' (post and lintel) moderating scale between the proposed and retained buildings. Further primacy of views to the heritage building is maintained by avoiding new built form above the airspace of the retained dwelling. This is shown in Figure 22.
118. Overall, the proposed heritage response to accepted and achieves the requirements of Clause 15.03-1L.



Figure 22: retained heritage dwelling shown in context of proposed development (Corner Argyle Street and Napier Street)

Amenity and Microclimate

Overshadowing

119. Clause 2.7 to DDO36 recommends new developments should not overshadow the opposite footpath of Johnston Street and Napier Street measured as 3.0m from the relevant property frontage between 10am and 2pm on 22 September.
120. Shadow diagrams supplied with the plans indicate that this requirement has been substantially achieved. Very minor increases are observed at 10:00am on the south side of the Johnston Street footpath and at 2:00pm on the east side of Napier Street (See Figures 23 and 24). These increases are very minor and will not materially impact the usability of the footpath and are acceptable.

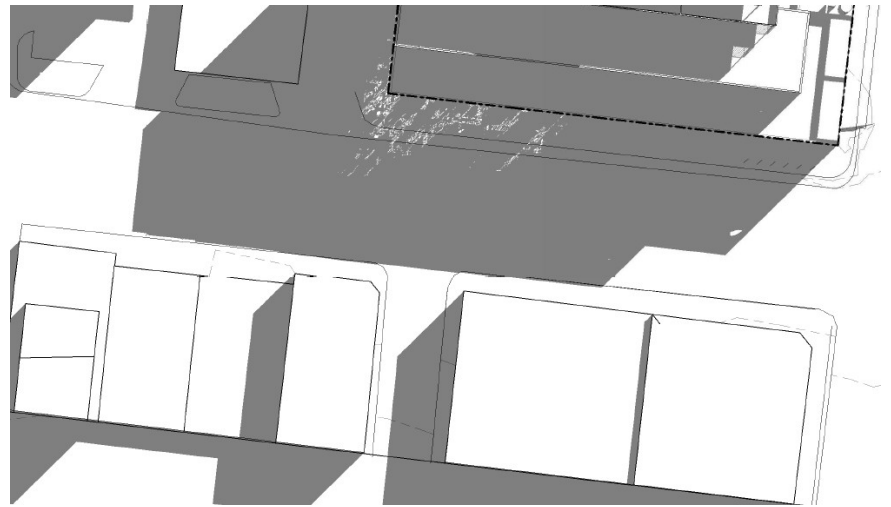


Figure 23: Very minor shadow increases to Johnston Street footpath (south side) at 10:00am

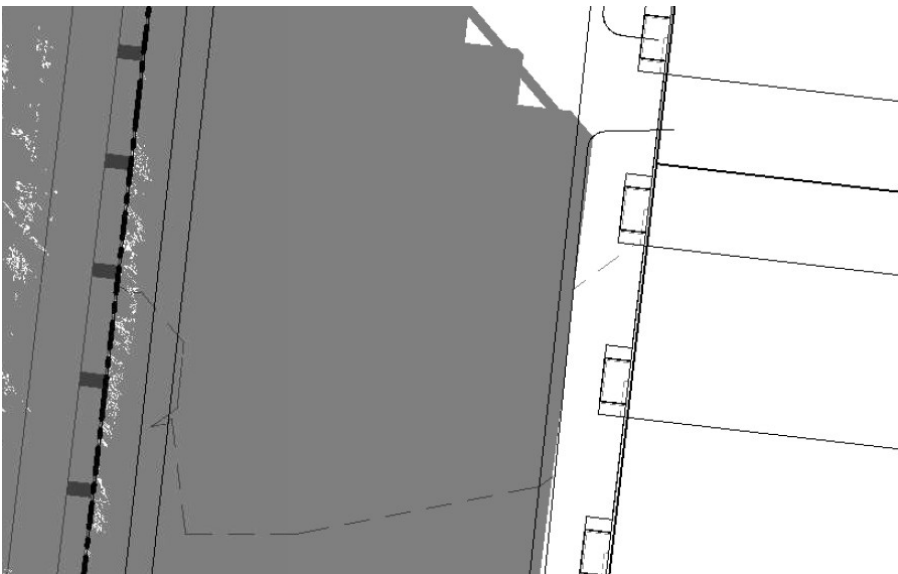


Figure 24: Very minor shadow increases to Napier Street footpath (east side) at 2:00pm

121. An objection questions 22 September date for measuring shadowing. This date is the equinox and is an established date for the consideration of shadowing impacts in the Victorian planning system and is the specific date referenced in DDO36.

Wind

122. Application requirements in DDO36 include a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces for applications where building heights are 20m or greater.
123. A desktop Environmental Wind Assessment Report prepared by MEL Consultants has been provided with the application. The report criteria are based on the requirements of Clause 58.04-4 (Standard D17) which purpose is to ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.
124. The report concludes walking comfort criteria will be achieved in the adjoining pedestrian network and standing criterion will meet at building entries, communal rooftop terrace and private balconies (subject to a full wall on one aspect).
125. A condition of the permit requires the final approval plans to incorporate any recommendations of the wind report to achieve the requirements of Standard D17.

Noise Impacts

126. Clause 53.06 (Live music entertainment venues) recognises that live music is an important part of Victoria's culture and economy and seeks to protect live music entertainment venues from the encroachment of noise sensitive residential uses.
127. This provision applies to an application for the construction of a building or for the construction or carry out of works associated with a noise sensitive residential use that is within 50 metres of a live music entertainment venue. The site is within 50m of 'The Night Cat' (corner of Johnston Street and Young Street) and opposite the Fitzroy Town Hall Hotel.
128. Existing noise sensitive receptors (residential developments) are nearby the site as shown in Figure 25.



Figure 25: Surrounding noise considerations (excerpt from acoustic report)



129. The PPSAC considered the requirements of Clause 53.06 in the Greystar application. It was determined that The Night Cat was operating with non-compliant noise emissions. The PPSAC found that the noise assessment and mitigation strategies proposed in the application would achieve the requirements of the provision subject to The Night Cat complying with its noise requirements and delivery of acoustic treatments as proposed. It also found that the rooftop communal areas should not be limited in terms of hours of operation (to the proposed development).
130. An Acoustic Assessment Report prepared by Clarity Consultants has been submitted with the application. The noise assessment methodology includes consideration of assessment of music noise from The Night Cat and The Fitzroy Town Hall Hotel, noise from the operation of the service station and traffic noise impacts on the proposed development.
131. The report recommends building fabric and window glazing treatments to achieve compliance with the recommended internal noise levels. It is noted that the acoustic report includes Scenario options for different acoustic mitigation responses. This includes:
- Scenario 1 – neither 143-153 Johnston Street or 155 Johnston Street are developed and the existing buildings on these sites remain
 - Scenario 2 - the proposed 10 storey building is developed at 143-153 Johnston Street, however, 155 Johnston Street is not developed and the existing buildings on this site remain
 - Scenario 3 - the proposed 12 storey building is developed at 155 Johnston Street, however, 143-153 Johnston Street is not developed and the existing buildings on these sites remain.
 - Scenario 4 - the proposed 10-12 storey buildings at 143-153 Johnston Street and 155 Johnston Street are both developed.
132. An objections questions future outcomes that could be determined on scenarios that have not eventuated. The final acoustic response and associated mitigation strategies must reflect existing conditions (at the time of lodgement) and not rely potential changes to nearby built environment. Permit conditions reflect this consideration.
133. Yarra has recommended that the acoustic report be peer reviewed. This has not been included in permit conditions because a similar condition was not included in the Greystar permit which is closer to the Live Music Venue (The Night Cat). However, a permit condition will require post-occupancy acoustic testing (within 3 months of occupation) to ensure recommendations and requirements of the Acoustic Report have been implemented.
134. An objection raised concerns about noise impacts from the rooftop communal area. Consistent with the Greystar decision no restrictions are placed on the rooftop area. This is because this space is an as of right component of the residential development which limits the ability to restrict its operations.

Public Realm

Ground Level Activation

135. DDO36 provides preferred outcomes for Building Layouts (Clause 2.9) and Façade Design (2.10). Building layouts in the C1Z should:
- *be designed to accommodate commercial activity at the ground floor level; and*
 - *incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground floor level, where heritage elements are not a constraint.*
136. The proposal includes a 251.3sqm retail premises to Johnston Street occupying the majority of the street frontage and wraps the corner with Napier Street. Floor to ceiling heights are proposed at 4m as encouraged by DDO36.
137. Development fronting Johnston Street should achieve fine-grain, commercial façade designs at ground and first floor to reinforce a commercial character and promote activation and surveillance of the public realm. While

development on streets other than Johnston Street should provide active frontages to create a pedestrian-oriented environment and passive surveillance to the public realm.

- 138. The proposal incorporates excellent activation of the public realm across each interface. The majority of the Johnston Street frontage contains clear glazing to the commercial tenancies Residential foyer with active uses (e.g. sitting areas) fronts part of Napier Street with the remaining street frontage containing dwellings with habitable spaces and Public Open Space (POS) areas fronting the street. A similar interface (incorporating the retained heritage dwellings) is proposed to Argyle Street.
- 139. The proposal significantly improves the sites contribution to the public realm. Existing conditions feature hardstand at grade car parking at Johnston Street and part of Napier Street and solid inactive brick boundary walls at Napier Street and Argyle Street.

Façade Design

- 140. Façade design and materials are encouraged to respond to the vertical and horizontal proportions either of the modern commercial character of Johnston Street and/or the mixed historical warehouse and residential character of Fitzroy East.
- 141. Recommended design features at Clause 2.10 of DDO36 include creation of visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, window sills. Building design should be simple and not compete with heritage buildings and avoid large expanses of glazing and creation of visual interest by avoiding blank walls.
- 142. The design response both incorporates buildings of heritage significance into the site layout while also referencing the historical heritage character of Fitzroy East as discussed in the ‘Design Detail’ section of this report. Permit conditions require the submission of a façade strategy to be submitted concurrent with plans for endorsement.

Landscaping

- 143. Clause 58.03-5 (Landscaping objectives) and Standard D10 encourage landscaping that supports the existing or preferred urban context of the area and to reduce the visual impact of buildings on the streetscape. Table D2 outlines preferred canopy coverage and deep soil planting requirements. Additional information in the Standard outlines soil depths (both planters and soil) and minimum heights.
- 144. Figure 26 outlines requirements under Standard D10 and the proposed landscape response:

BADS RESPONSE

TABLE D2 DEEP SOIL AREAS AND DEEP SOIL REQUIREMENTS

Site Area	Canopy Coverage Requirements	Canopy Cover Response	Deep Soil Requirements	Deep Soil Response
> 2500 square metres Site: 3067 m ²	Canopy cover of 350 m ² plus 20% of site area above 2500 m ² . Include at least 2 Type B trees or 1 Type C tree. Based on site size: 350 m ² + 20% of 567 m ² = 113.4 m ² Total required canopy: ~463 m ²	4 x Ficus rubiginosa - mature size projected as 8 m (H) x 8 m (W) (Tree Type B) -> Canopy coverage of 50 m ² each = 200 m ² total 6 x Olea europaea - mature size projected as 8 m (H) x 6 m (W) (Tree Type B) -> Canopy coverage of 35 m ² each = 210 m ² total TOTAL CANOPY COVERAGE: ~410 m ² *Climbers proposed throughout but not included in canopy total.*	No deep soil zone. 15% of site = 460 m ²	No natural garden beds / deep soil zones. All planting areas located in large contained planters. Planters provided to support: - 3 x Ficus rubiginosa in shared planter box: 42.8 m ² area, 40.7 m ³ soil volume total - 1 x Ficus rubiginosa in individual planter box: 14.1 m ² area, 13.4 m ³ soil volume - 6 x Olea europaea in 3.0 m x 4.2 m x 1.2 m deep planters = 15.1 m ³ each

Figure 26: Landscape Standard D10 response



145. No deep soil planting is proposed as part of the landscape response. The landscape response consists of climbers within planter boxers to the façade within the communal open space area to the Napier Street frontage. Ground level planters are also proposed to the Argyle Street frontage.
146. Planters on the rooftop incorporate trees to a mature height of 8m (*olea europaea* and *ficus rubiginosa*) planted in an arrangement to create a continuous canopy across different areas of the rooftop communal area. The total canopy area on the rooftop communal open space is 410sqm a minor variation to the 463sqm requirement. Two street trees are also proposed which will improve canopy coverage to the street.
147. The proposed landscape response is acceptable. It is noted that the urban context is not characterised by high volumes of planting in residential developments, however, there is a continuous tree canopy in Napier Street from street trees. Similarly, the land is contained in the EAO and potentially contaminated which could affect the viability of deep soil planting.

Car and Bicycle Parking, Loading, and Other Services

Car Parking

148. Amendment VC277 was approved on 18 December 2025 and updated parking rates in Clause 52.06 (Car Parking) across all planning schemes in Victoria. VC277 implemented Action 5 of Plan for Victoria to match car parking rates with demand and reduce the number of car parking spaces required in locations well-served by public transport.
149. Car parking requirements were developed using the Public Transport Accessibility Level (PTAL) methodology which assigns categories to land determined by calculating walk times to public transport, type of public transport, public transport routes and timetabling data. Category 1 areas have the lowest PTAL scores and Category 4 areas the highest PTAL scores.
150. The site is within Category 4 in Table 1 to Clause 52.06. If the land is shown in two or more categories on mapping, the car parking requirements for the higher category applies to all of the land.

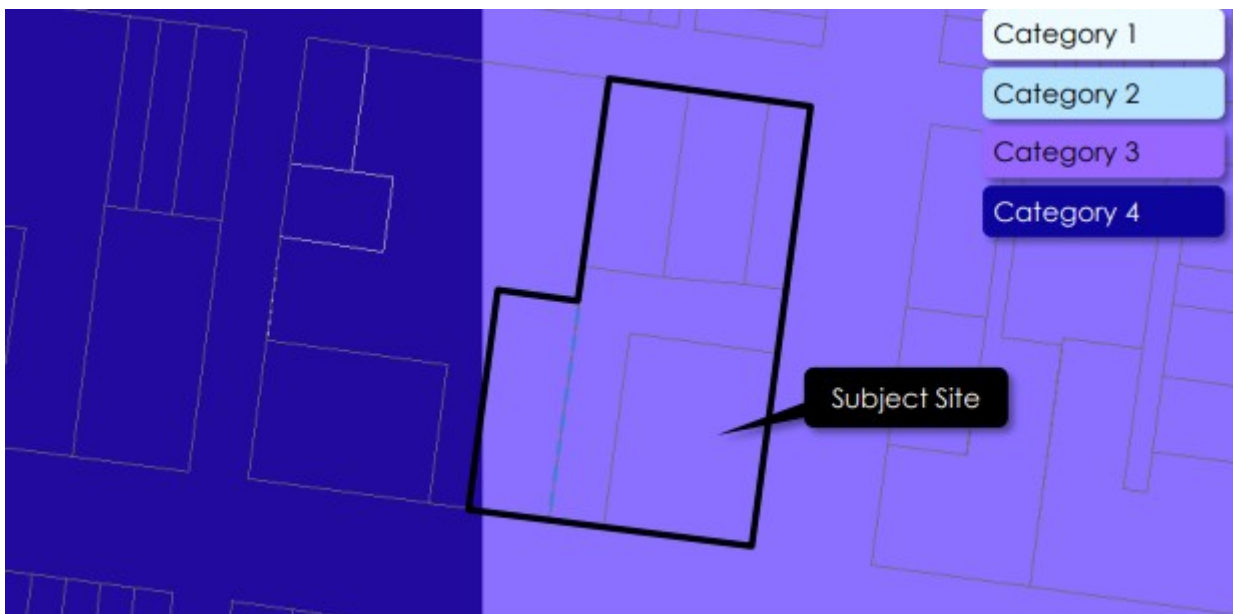


Figure 27: PTAL categories map

151. The following car parking rates apply to the proposal:



Use	Measure	Category 4 Requirements	Calculation	Amount Provided
Dwellings	To each dwelling	Minimum - 0 Maximum - 2	Minimum - 0 Maximum - 486	95
Retail	To each 100sqm of leasable floor area	Minimum - 0 Maximum - 1	Minimum - 0 Maximum - 2	4
Total			Minimum - 0 Maximum - 488	95

152. Car parking rates achieve the requirements of Clause 52.06 with 4 spaces proposed at ground level and 89 spaces in the basement level. Additionally, the site has excellent access to public transport including trams on Smith Street and Brunswick Street and bus services on Johnston Street.
153. A maximum of 2 spaces can be allocated to the retail tenancy under Category 4. The retail use exceeds this requirement and proposes 4 spaces. The provision of car parking spaces above the maximum requirement is acceptable because the overall provision of car parking onsite is below the maximum allowance (488 spaces), additional parking will not affect local amenity including pedestrian amenity and the amenity of nearby residential areas and does not impact the adjoining public realm.
154. Local policy supports prioritising sustainable modes of transport (Clause 18.01-3L: Sustainable Transport) with the private motor vehicle at the bottom of Yarra's transport hierarchy and supports reduced car parking rates in areas well serviced by public transport at Clause 18.02-4L-01 (Car Parking).
155. Yarra did not object to the proposed car parking rates.
156. A Green Travel Plan (GTP) has been provided with the application which provides information to future residents, staff and visitors of the development, informing them of the alternative transport options when accessing the site and surrounds, and provides associated health and fitness benefits when increasing their activity levels through regular walking and cycling.
157. The GTP seeks to motivate mode shift from private motorcars to sustainable mode of transport and is consistent with Yarra local policies such as Clause 18.01-3S (Sustainable and safe transport) which aim to facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.

Design Standards for Car Parking

158. A Transport Impact Assessment (TIA) has been prepared in support of the application. The TIA assess the design of car parking spaces against the relevant Standards of Clause 52.06-9 and determines that design requirements are satisfied. This is supported by swept path diagrams.
159. Yarra has requested permit conditions that provide further design detailing about car parking including cross-sectional drawings for the car park entrance off Argyle Street at a suitable scale using the B99 design vehicle, notation of dimensions and installation of convex mirrors and bollards in different locations across the basement. These recommendations are included in the permit.

Access, Traffic Movement and Circulation

160. The TIA includes analyses on access and traffic movements within and to the site. Access to carparking areas is proposed via a new crossover from the rear of the site at Argyle Street. Design standards in relation to internal vehicle movements, including access widths, internal radius at change of direction spaces and headway requirements are achieved.
161. Traffic movements from Napier Street are raised as a concern in the objections. Napier Street is identified as a 'bicycle priority' street with a central traffic lane, traffic calming devices and dedicated bike lanes (northbound and



southbound) provided. Clause 18.02-2L (Cycling) seeks to enable cycling as a part of everyday life and to facilitate an efficient and safe bicycle network.

- 162. The TIA notes that traffic accessing the site for residential parking (basement parking area from Argyle Street) is expected to generate a maximum of 37 vehicle movements per hour in any direction during the peak periods, equivalent to 1 vehicle trip every 1-2 minutes on average.
- 163. This does not factor in the existing use on the site which includes a bottle shop (and other commercial uses) with high turnover and short stays. This means that overall traffic accessing the site will be less than that indicated when considering current volumes. The traffic analysis in the TIA concludes that the volume of additional traffic generated by the proposed development is considered low and is expected to be easily absorbed into the surrounding road network.
- 164. Yarra's traffic engineers did not raise any concerns with the impact of the development on traffic conditions. However, council requested that updated volume surveys be provided (report surveys were conducted in July 2023). The submission notes that these surveys cannot be required as a permit condition and should be provided before a decision on the application is made.
- 165. The information provided is sufficient to appropriately consider traffic impacts on the adjoining road network. Council engineers did not object to the traffic report findings and additional data is not required to assess this matter and has not been requested.

Bicycle Facilities

166. Clause 52.34-1 of the Scheme requires bicycle parking facilities as follows:

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Dwelling	Resident	1 space / 5 dwellings	49	246
	Visitor	1 space / 10 dwellings	24	12 (shared)
Shop	Employee	1 space / 600m ² of LFRA if the LFA exceeds 1000m ²	N/A	12 (shared)
	Customer	1 space / 500m ² of LFRA if the LFA exceeds 1000m ²	N/A	12 (shared)
Total			73	258

- 167. Bicycle parking facilities for residents are proposed in a ground level secure compound (248 spaces), and visitor spaces are located adjacent to the Johnston Street and Napier Street interface (6 hoops totalling 12 spaces). Visitor space should total 24 spaces.
- 168. A condition, as recommended by the council, is included in the permit requiring all bicycle parking must include provision for both residents and visitors, with visitor bicycle parking provided at a rate in accordance with Clause 52.34 of the Scheme and all bicycle parking designed in accordance with the requirements of Clause 52.34 of the Scheme.
- 169. The shop does not generate a bicycle parking demand because the leasable floor area does not exceed 1,000sqm. Employees could access on street visitor parking or arrange access to the compound should there be a demand for bicycle parking.
- 170. The secure compound is accessed from a dedicated pathway from Argyle Street adjacent to the common vehicle accessway. An objection suggests that residential bicycle parking should be accessed from Napier Street because "Residents cycling home from the east or south will arrive via Napier Street and will be required to travel around the corner to Argyle Street to access their bike store. This is not a minor inconvenience — it is poor design that will reduce utilisation".





171. Location of the bicycle parking area from Argyle Street is not considered to be a barrier for utilisation. Future residents will be made aware of bicycle parking availability, access and location. The accessway as proposed is dedicated to bicycles accessing the site and is acceptable.
172. High volumes of bicycle parking are provided, and the proposal is consistent with Clause 52.34 and Clause 18.02-2L.

Loading/Unloading

173. Clause 65.01 (Approval of an application or plan) requires consideration of the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impact before deciding on an application.
174. Further Access, Parking and Loading requirements are outlined at Clause 2.11 of DDO36 and recommend car parking be concealed from the public realm, pedestrian entries should be from primary streets, bicycle entries and parking should be secure and convenient and development should not provide additional vehicular access from Johnston Street.
175. A loading area is proposed at ground level accessed from the shared accessway. Swept path diagrams indicate functional vehicle movements up to a 6.4m small rigid vehicle. The TMP indicates that given the size of the retail tenancy deliveries are expected to occur via small vans which can utilise on street parking and loading zones. This is acceptable. Occasional use of the loading area is expected to be utilised by removalists for residents.
176. Other loading and access arrangements outlined in DDO36 are achieved and discussed in the report. Loading arrangements are acceptable.

Waste

177. A Waste Management Plan (WMP) has been provided with the application. Waste collection is proposed by a private contractor and will utilise the loading area for collection from a dedicated waste storage area.
178. Expected waste generation calculations are provided for the residential and commercial tenancies and include calculations for each waste stream (garbage, food/organics, recycling and glass). These calculations are consistent with Sustainability Victoria guidelines. Hard waste will be organised by the operator and space is allocated in the waste store area for hard waste.
179. The WMP calculates a requirement for 44 bins for the residential component and 15 bins for the commercial component. The waste store area has sufficient space to accommodate the requirements of the WMP. Waste management strategies are acceptable.
180. Minor updates to the WMP have been requested by Yarra and have been included as permit conditions.

Environmental Risks

Environmental Audit Overlay

181. Environmental Audit Overlay (EAO) applies to each lot and the land adjoins a petrol station. The EAO ensures that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination. Before a sensitive use commences (including residential) the following must be demonstrated (as relevant):
 - *A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or*
 - *An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or*
 - *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or*

- *A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.*

182. The requirements of the EAO must be satisfied before the development commences. Standard potentially contaminated land conditions apply to the permit.

Sustainability

Environmentally Sustainable Design (ESD)

183. Clause 15.01-2L-01 (Environmentally sustainable development) seeks to achieve best practice in environmentally sustainable development from the design stage through to construction and operation. In response to this policy proposed developments greater than 10 dwellings should provide a Sustainability Management Plan (including an assessment using BESS/Green star, STORM/MUSIC or other methods) and a Green Travel Plan.
184. A Sustainable Management Plan (SMP) prepared by IGS has been submitted in response to this requirement and includes a Green Star scorecard assessment. Key features of the SMP include:
- 6.5 Star Minimum and 8.0 Star Average NatHERS rating for all apartments.
 - Minimum 20% of energy use from renewable sources derived from roof-mounted solar PV panels with a minimum capacity of 30kW.
 - Proposal will develop a Zero Carbon Action Plan. All energy use within the development must be sourced from the onsite renewables and GreenPower purchase.
 - Water efficient fixtures are proposed in conjunction with 30kL rainwater tank for toilet flushing in common areas, landscaping irrigation and fire testing water collection and reuse. Water efficient landscaping design is proposed to minimise water usage for irrigation.
185. Council has recommended additional permit conditions in relation to the SMP. Some of these recommendations have been adopted in the final permit including confirmation of reuse of recycled water in common area toilets, confirmation of feasibility of rooftop solar PV system and development of a Zero Carbon Action Plan.

Water Sensitive Urban Design (WSUD) & Stormwater Management

186. Strategies of Clause 15.01-2L.01 include to incorporate best practice WSUD to improve the quality of stormwater runoff and reduce impacts on water systems and water bodies. WSUD features of the proposal include a 'Stormwater Treatment Train' contained within a MUSIC assessment and consists of the following devices:
- Rainwater tanks with 30,000 litre capacity capturing rainwater from the extent of the roof. Captured water will be reused for irrigation and toilet flushing.
 - Provision of a Flowceptor which is a Stormwater Quality Improvement Device (SQID). This device separates suspended solids and pollutants improving the quality of stormwater discharged to the legal point of discharge and stormwater system.
 - Overall post-development flows are equal or less to that of pre-development flows.
187. Clause 53.18 (Stormwater management in urban development) outlines Standards to be achieved in relation to Stormwater management objectives for buildings and works (Standard W2) and Site management objectives (Standard W3).
188. Requirements of Standard W2 are achieved as described in the 'Stormwater Treatment Train'. Standard W3 relates to site management objectives and should describe how the site will be managed prior to and during the construction period in relation to erosion and sediment, stormwater management, litter etc. Site management plan permit conditions will require these matters to be considered.
189. Yarra recommends that the SQID device be removed in place of raingardens and larger water tanks because "Council does not accept proprietary devices". This preference is not reference in state or local policy.



- 190. The proposal will result in appropriate stormwater outcomes.
- 191. The proposal is generally consistent with the relevant planning policies of the Yarra Planning Scheme and will contribute to the provision of additional housing in an established area (with a NAC and between the Brunswick Street MAC and Smith Street MAC) with excellent access to services and includes a cash in lieu affordable housing contribution.
- 192. It is recommended that Planning Permit No. PA2504136 at 159-167 Johnston Street, 146-152 Argyle Street & 329 Napier Street, Fitzroy be issued subject to conditions.
- 193. It is recommended that the applicant, objectors and the council 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]
Title: [Redacted]
Phone: (03) 9661 1888

Signed: [Redacted]
Dated: 4 May 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]
Title: [Redacted]
Phone: [Redacted]
Dated: 5 May 2026

Application requirements

Clause 58.01-1	Assessment
<ul style="list-style-type: none">• An application must be accompanied by:<ul style="list-style-type: none">○ An urban context report.○ A design response.	<p>Complies</p> <p>Urban context and design response has been prepared by Rothelowman.</p>



Urban context report

Clause 58.01-2	Assessment
<ul style="list-style-type: none"> • <i>The urban context report may use a site plan, photographs or other techniques and must include:</i> • <i>An accurate description of:</i> <ul style="list-style-type: none"> ○ <i>Site shape, size, orientation and easements.</i> ○ <i>Levels and contours of the site and the difference in levels between the site and surrounding properties.</i> ○ <i>The location and height of existing buildings on the site and surrounding properties.</i> ○ <i>The use of surrounding buildings.</i> ○ <i>The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.</i> ○ <i>Solar access to the site and to surrounding properties.</i> ○ <i>Views to and from the site.</i> ○ <i>Street frontage features such as poles, street trees and kerb crossovers.</i> ○ <i>The location of local shops, public transport services and public open spaces within walking distance.</i> ○ <i>Movement systems through and around the site.</i> ○ <i>Any other notable feature or characteristic of the site.</i> • <i>An assessment of the characteristics of the area including:</i> <ul style="list-style-type: none"> ○ <i>Any environmental features such as vegetation, topography and significant views.</i> ○ <i>The pattern of subdivision.</i> ○ <i>Street design and landscape.</i> ○ <i>The pattern of development.</i> ○ <i>Building form, scale and rhythm.</i> ○ <i>Connection to the public realm.</i> ○ <i>Architectural style, building details and materials.</i> ○ <i>Off-site noise sources.</i> ○ <i>The relevant NatHERS climate zones (as identified in Clause 58.03-1).</i> ○ <i>Social and economic activity.</i> ○ <i>Any other notable or cultural characteristics of the area.</i> 	<p data-bbox="927 371 1038 398">Complies</p> <p data-bbox="927 439 1509 490">The urban context report includes all relevant details of the subject site and adjoining urban context.</p>

Design response

Clause 58.01-3	Assessment
<ul style="list-style-type: none"> • <i>The design response must explain how the proposed design:</i> <ul style="list-style-type: none"> ○ <i>Responds to any relevant planning provision that applies to the land.</i> ○ <i>Meets the objectives of Clause 58.</i> ○ <i>Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.</i> ○ <i>Derives from and responds to the urban context report.</i> • <i>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.</i> 	<p data-bbox="927 1456 1038 1482">Complies</p> <p data-bbox="927 1523 1509 1603">The design response outlines a coherent vision statement which is derived from a detailed analysis of the site context.</p> <p data-bbox="927 1644 1509 1753">Accurate information and details are provided and includes correctly proportioned street elevations and photographs showing the development in the context of adjacent buildings.</p>

Urban context objectives

Clause 58.02-1	Assessment
<p data-bbox="73 1928 197 1955">Objectives</p> <ul style="list-style-type: none"> • <i>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</i> 	<p data-bbox="927 1928 1038 1955">Complies</p>



<ul style="list-style-type: none"> To ensure that development responds to the features of the site and the surrounding area. 	
Standard D1 <ul style="list-style-type: none"> 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. 	<p>The design response appropriately balances preferred future development outcomes (by adopting building heights and setbacks consistent with those supported in the PPSAC for Greystar Fitzroy) while appropriately referencing the historical character of the surrounds through building styles and materials.</p>

Residential policy objectives

Clause 58.02-2	Assessment
Objectives <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 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. 	<p>A detailed planning report prepared by Contour has been prepared in response to this requirement.</p>

Dwelling diversity objectives

Clause 58.02-3	Assessment
Objective <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings 	Complies
Standard D3 <ul style="list-style-type: none"> Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms. 	<p>A diversity of dwelling types is proposed and includes:</p> <ul style="list-style-type: none"> Studios: 115 1 Bedroom: 84 2 Bedroom: 28 3 Bedroom: 16 Total: 243

Infrastructure objectives

Clause 58.02-4	Assessment
Objectives <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 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 	<p>The subject site is within an established area with access to services. Stormwater will be captured and reused within the development. The proposal is gas free as encouraged by Clause 53.03.</p>



Integration with the street objective

Clause 58.02-5	Assessment
Objective <ul style="list-style-type: none"> To integrate the layout of development with the street. 	Complies <p>The proposal is on a corner site and contributes to activation of the public realm at each interface. Clear glazed windows are provided to each street frontage and inactive/blank walls are minimised.</p>
Standard D5 <ul style="list-style-type: none"> Developments should be oriented to front existing and proposed streets. Along street frontage, development should: <ul style="list-style-type: none"> 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. 	

Energy efficiency objectives

Clause 58.03-1	Assessment
Objectives <ul style="list-style-type: none"> 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. 	Complies <p>Dwellings orientated to Argyle Street (north) are designed with POS spaces and living spaces to the north.</p> <p>Communal open space areas are provided on the rooftop and will have good solar access.</p> <p>All apartments have achieved a minimum NatHERS rating of above 6.5 stars, an average rating of above 8.0 stars and no dwellings exceed the maximum NatHERS annual cooling load of 30 MJ/m2.</p>
Standard D6 <ul style="list-style-type: none"> Buildings should be: <ul style="list-style-type: none"> 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. 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).

Communal open space objective

Clause 58.03-2	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • 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. 	<p>Complies</p> <p>A total of 758.2sqm of communal open is provided which exceeds the minimum requirement of 250sqm.</p> <p>Communal open space of 215.9sqm is provided at Level 1 and 542.3sqm at the roof top.</p>
<p>Standard D7</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ Accessible to all residents. ○ A useable size, shape and dimension. ○ Capable of efficient management. ○ Located to: <ul style="list-style-type: none"> - 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. - 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 <ul style="list-style-type: none"> To allow solar access into communal outdoor open space 	Complies
Standard D8 <ul style="list-style-type: none"> 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. 	Primary communal open space is provided on the rooftop and will achieve the requirements of the standard.

Safety objective

Clause 58.03-4	Assessment
Objective <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property 	Complies
Standard D9 <ul style="list-style-type: none"> 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. 	The primary residential entry is from Napier Street and is well defined and secure. Ground level dwellings orientated to Argyle Street and Napier Street include fencing and are visible from the adjoining public realm.

Landscaping objectives

Clause 58.03-5	Assessment
Objectives <ul style="list-style-type: none"> 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. 	Variation
Standard D10 <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. 	See main body of the report.



- *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
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 <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 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. 	<p>The proposal will reduce the volume of crossover fronting the adjoining road network. Crossover on Johnston Street and Napier Street will be removed and kerbs reinstated. This is supported by HTFV.</p> <p>Vehicle access is proposed in the north-west corner of the site from Argyle Street. Access is accepted by Yarra.</p>

Parking location objectives

Clause 58.03-7	Assessment
Objectives <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments. 	Complies
Standard D12 <ul style="list-style-type: none"> Car parking facilities should: <ul style="list-style-type: none"> 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. 	Car parking is predominately located in the basement which is secured, ventilated and has direct access to lifts to residential areas.

Integrated water and stormwater management objectives

Clause 58.03-8	Assessment
Objectives <ul style="list-style-type: none"> 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. 	Complies



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.

See main body of the report.

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

Variation

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.

See main body of the report.

Internal views objective

Clause 58.04-2

Objective

- To limit views into the private open space and habitable room windows of dwellings within a development.

Assessment

Complies

Standard D15

- 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.

Downward views to POS areas within the development are avoided.

Noise impacts objectives

Clause 58.04-3

Objectives

- To contain noise sources in developments that may affect existing dwellings.

Assessment

Complies



- To protect residents from external and internal noise sources.

Standard D16

- Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.
- The layout of new dwellings and buildings should minimise noise transmission within the site.
- 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.
- New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.
- Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:
 - Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
 - Not greater than 40dB(A) for living areas, assessed LAeq,16h 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.

Noise generating building services are appropriately buffered from dwellings. Building materials and window glazing have been recommended by an acoustic consultant and are appropriate to manage internal and external noises impacts.

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 <ul style="list-style-type: none"> • To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land. 	Condition
Standard D17 <ul style="list-style-type: none"> • Development of five or more storeys, excluding a basement should: 	A condition of the permit requires final wind mitigation strategies to be shown on the plans.



- *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.*

Table D6 Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent 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: <ul style="list-style-type: none"> • 3 metres per second for sitting areas, • 4 metres per second for standing areas, • 5 metres per second for walking areas.

Accessibility objective

Clause 58.05-1	Assessment												
Objective <ul style="list-style-type: none"> • <i>To ensure the design of dwellings meets the needs of people with limited mobility.</i> 	Complies												
Standard D18 <ul style="list-style-type: none"> • <i>At least 50 per cent of dwellings should have:</i> <ul style="list-style-type: none"> ○ <i>A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</i> ○ <i>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.</i> ○ <i>A main bedroom with access to an adaptable bathroom.</i> ○ <i>At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.</i> <p style="text-align: center;">Table D7 Bathroom design:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #008080; color: white;"></th> <th style="background-color: #008080; color: white;">Design option A</th> <th style="background-color: #008080; color: white;">Design option B</th> </tr> </thead> <tbody> <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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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</td> <td>A clear circulation area</td> <td>A clear circulation area</td> </tr> </tbody> </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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges. 	Circulation	A clear circulation area	A clear circulation area	<p>A total of 158 (243 proposed) dwellings are designed in accordance with the standard. This equates to 65%.</p>
	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: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • A slide door, or • A door that opens outwards, or • A door that opens inwards and has readily removable hinges. 											
Circulation	A clear circulation area	A clear circulation area											



n area	that is: <ul style="list-style-type: none"> 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. <p>The circulation area for the toilet and shower can overlap.</p>	that is: <ul style="list-style-type: none"> 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. <p>The circulation area can include a shower area.</p>
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 <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> Entries to dwellings and buildings should: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> Include at least one source of natural light and natural ventilation. Avoid obstruction from building services. Maintain clear sight lines. 	Dwellings at ground level accessed from the public realm have individual and defined entries. Internal corridors areas have appropriate access to natural light and ventilation to the western boundary.



Private open space objective

Clause 58.05-3
Objective
<ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents

Standard D20
<ul style="list-style-type: none"> A dwelling should have private open space (POS) consisting of at least one of the following: <ul style="list-style-type: none"> 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

Assessment
Variation

A summary of proposed variations to POS requirements is outlined in the table below.

Apartment Type	Required	Provided
Studio A	1.8m Width & 8m Area	1.51m Width & 6.3m Area
Studio B	1.8m Width & 8m Area	1.51m Width & 6.3m Area
Studio A.2	3m width & 25m Area	3.3m width & 10.1 metre Area
Bed1B	1.8m Width & 8m Area	2.9m Width & 6.6m Area
Bed1B.2	1.8m Width & 8m Area	2.9m Width & 6.6m Area
Bed1C	1.8m Width & 8m Area	1.6m width & 12m area
Bed1D	1.8m Width & 8m Area	1.41m Width & 9.5m Area
Bed1E	3m Width & 25m Area	1.785m Width & 6m Area
Bed1E.2	1.8m Width & 8m Area	1.785m Width & 6m Area
Bed2C	2m Width & 8m Area	1.8m Width & 10.9m Area
Bed2D	2m Width & 8m Area	1.65m Width & 11.3m Area
Bed3B	3m Width & 25m Area	No POS (*existing heritage building)

POS at ground level should be provided at 25sqm. Proposed ground level POS varies from 8.8sqm to 12.4sqm. This is acceptable because these dwellings are either one bedroom or studios and POS is provided to the street frontages and provides for the reasonable recreational/service needs of smaller dwellings. Additionally, there is not a character of large street setbacks in the surrounds with the predominate character of dwellings (terraces) typically containing very narrow setbacks usually used for bin storage.

Minor non-compliances are proposed to either the minimum width, area or both in some dwelling types. This typically applies in one bedroom or studio who are provided with acceptable levels of POS for the reasonable recreation and service needs of residents.

Variation to POS areas is offset by communal open space and other onsite amenities which are provided in excess of planning scheme requirements. This includes the rooftop terrace (542sqm), work from home area and associated terrace and entry foyer. Air conditioner condensers are also located on the roof maximising balcony space. A variation is acceptable.

Storage objective

Clause 58.05-4
Objective
<ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling

Standard D21
<ul style="list-style-type: none"> Each dwelling should have convenient access to usable and secure storage space.

Assessment
Complies

Storage is provided in accordance with the standard.



- 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 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 <ul style="list-style-type: none"> 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. 	Complies
Standard D22 <ul style="list-style-type: none"> Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management. 	Common property is clearly delineated and can be efficiently managed and maintained.

Site services objectives

Clause 58.06-2	Assessment
Objectives <ul style="list-style-type: none"> 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. 	Complies
Standard D23 <ul style="list-style-type: none"> 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. 	Site services are integrated into the building design. A dedicated mail room is provided and servicing (substations, communication, etc) are within the ground level and obscured from the public realm.

Waste and recycling objectives

Clause 58.06-3	Assessment
Objectives <ul style="list-style-type: none"> 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. 	Complies
Standard D24 <ul style="list-style-type: none"> Developments should include dedicated areas for: <ul style="list-style-type: none"> Waste and recycling enclosures which are: <ul style="list-style-type: none"> Adequate in size, durable, waterproof and blend in with the 	See main body of the report.



- development.
 - Adequately ventilated.
 - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- o Adequate facilities for bin washing. These areas should be adequately ventilated.
- o Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- o Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- o Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- o Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.
- Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:
 - o Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.
 - o Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

External walls and materials objective

Clause 58.06-4	Assessment
Objectives <ul style="list-style-type: none"> • To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area. • To ensure external walls endure and retain their attractiveness. 	Complies
Standard D25 <ul style="list-style-type: none"> • External walls should be finished with materials that: <ul style="list-style-type: none"> o Do not easily deteriorate or stain. o Weather well over time. o Are resilient to the wear and tear from their intended use. • External wall design should facilitate safe and convenient access for maintenance. 	External wall materials appropriately respond to the surrounding character which features a mixture of residential and warehouses. Brick podium is a robust and durable material. Materials are discussed in more detail in the report. Additionally, a condition of the permit requires the submission of a façade strategy.

Functional layout objective

Clause 58.07-1	Assessment						
Objective <ul style="list-style-type: none"> • To ensure dwellings provide functional areas that meet the needs of residents 	Variation						
Standard D26 <ul style="list-style-type: none"> • Bedrooms should: <ul style="list-style-type: none"> o Meet the minimum internal room dimensions specified in Table D11. o Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. 	Studios are proposed in 5 configurations. Studio A, Studio A-2 and Studio B generally meet functional layout requirements with Living spaces and 'Bedroom' space achieving minimum dimensions independent of each other.						
Table D11 Bedroom dimensions							
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #008080; color: white;">Bedroom type</th> <th style="background-color: #008080; color: white;">Minimum width</th> <th style="background-color: #008080; color: white;">Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Main bedroom</td> <td>3 metres</td> <td>3.4 metres</td> </tr> </tbody> </table>		Bedroom type	Minimum width	Minimum depth	Main bedroom	3 metres	3.4 metres
Bedroom type	Minimum width	Minimum depth					
Main bedroom	3 metres	3.4 metres					
	Living spaces encroach in 'Bedroom' areas in some Studio layouts. This is acceptable because each studio can provide functional areas that meet the needs of residents. Notably, these studios have						

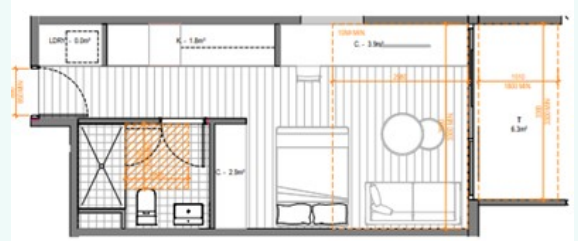


- All other bedrooms 3 metres 3 metres
- **Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.**

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

space for a couch, bed (with transition spaces), kitchen, storage, bathroom, sitting/study area and television. A variation is acceptable.



Room depth objective

Clause 58.07-2	Assessment
Objective <ul style="list-style-type: none"> • To allow adequate daylight into single aspect habitable rooms 	Complies
Standard D27 <ul style="list-style-type: none"> • Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. • The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met: <ul style="list-style-type: none"> ○ The room combines the living area, dining area and kitchen. ○ The kitchen is located furthest from the window. ○ 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. • The room depth should be measured from the external surface of the habitable room window to the rear wall of the room. 	All single aspect apartments include combined living, dining, kitchen areas, have a depth of less than 9m and ceiling heights of at least 2.7m.

Windows objective

Clause 58.07-3	Assessment
Objective <ul style="list-style-type: none"> • To allow adequate daylight into new habitable room windows. 	Complies
Standard D28 <ul style="list-style-type: none"> • Habitable rooms should have a window in an external wall of the building. • A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. • The secondary area should be: <ul style="list-style-type: none"> ○ A minimum width of 1.2 metres. ○ A maximum depth of 1.5 times the width, measured from the external surface of the window. 	All habitable rooms are provided a window in the external wall of the building. Secondary areas are not relied on for daylight.

Natural ventilation objectives

Clause 58.07-4	Assessment
Objectives <ul style="list-style-type: none"> • To encourage natural ventilation of dwellings. • To allow occupants to effectively manage natural ventilation of dwellings. 	Variation
Standard D29 <ul style="list-style-type: none"> • The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the 	The standard requires that 40% of 98 dwellings to mee the natural ventilation requirement. A total of 91 or 37% meet the standard. This is a result of the

Appendix 2: Objector Concerns Response



building, where appropriate.

- At least 40 per cent of dwellings should provide effective cross 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.

volume of single aspect Studio dwellings.

A variation is acceptable because these dwelling each have balconies with sliding doors and direct access from living areas. Acceptable ventilation is provided to these dwellings.

Objection	Response
Compliance with DDO36 (building and street wall heights, bulk and setbacks)	See response to Council objection grounds below and detail assessment in the main body of the report.
Architectural design/building appearance and Neighbourhood character response	<p>The architectural response is well resolved and substantially references the eclectic and historical industrial character of the Fitzroy East and Johnston Street North Precinct. Building materials include warm terracotta precast and tiles at podium levels with integrated landscaping. This is contrasted by grey powdercoated and aluminium fixtures and grey concrete panels above the podium.</p> <p>The proposed design detailing is a successful contextual response which appropriately addresses the sites distinctive interfaces. Building mass is delineated across each interfaces creating a distinctive identity to each façade. This is discussed in greater detail in the report.</p> <p>The design response is consistent with the objectives of DDO36 and appropriately transitions the scale and mass of the building down to more sensitive interfaces and incorporates façade composition and articulation consistent with varied industrial and residential heritage character of Fitzroy East.</p>
Affordability of dwellings	Affordability of dwellings is not a consideration in this application. A condition of the permit requires an affordable housing contribution. The applicant has indicated in their planning submission that they will provide a cash contribution equal to 3% of the development cost to the Social Housing Growth Fund (SHGF).
Dwelling layouts including studios	<p>Functional layouts of Studios are acceptable. Studios are proposed in 5 configurations. Studio A, Studio A-2 and Studio B generally meet functional layout requirements of Standard 11 with Living spaces and the 'Bedroom' space achieving minimum size independent of each other.</p> <p>Living spaces encroach in 'Bedroom' areas in some Studio layouts. This is acceptable because each studio can provide functional areas that meet the needs of residents. Notably, these studios have space for a couch, bed (with transition spaces), kitchen, storage, bathroom, sitting/study area and television</p>
Overshadowing of Napier Street and 22 September as the assessment date	This date (22 September) is the equinox and is an established date for the consideration of shadowing impacts in the Victorian planning system and is the specific date referenced in DDO36. Negligible shadow increases on the opposite side of the Napier Street footpath are observed at 2pm. These increases are very minor and will not materially impact the useability of the footpath and are acceptable.
Car parking	The proposed rate of car parking meets planning scheme requirements for land in Category 4 pursuant to Clause 52.06 (Car parking).
Traffic	<p>Traffic movements from Napier Street are raised as a concern in the objections. Napier Street is identified as a 'bicycle priority' street with a central traffic lane, traffic calming devices and dedicated bike lanes (northbound and southbound). Clause 18.02-2L (Cycling) seeks to enable cycling as a part of everyday life and to facilitate an efficient and safe bicycle network.</p> <p>The Traffic Impact Assessment (TIA) notes that traffic accessing the site for residential parking (basement parking area from Argyle Street) is expected to generate a maximum of 37 vehicle movements per hour in any direction during the peak periods, equivalent to 1 vehicle trip every 1-2 minutes on average.</p> <p>This does not factor in the existing use on the site which includes a Bottle Shop (and other commercial uses) with high turnover and short stays. This means that overall traffic accessing the site will be less than that indicated when considering current</p>



volumes. The traffic analysis in the TIA concludes that the volume of additional traffic generated by the proposed development is considered low and is expected to be easily absorbed into the surrounding road network.

Yarra's traffic engineers did not raise any concerns with the impact of the development on traffic conditions. However, have requested that updated volume surveys be provided (report surveys were conducted in July 2023). The submission notes that these surveys cannot be required as a permit condition and should be provided before a decision on the application is made.

The information provided is sufficient to appropriately consider traffic impacts on the adjoining road network. Council engineers did not object to the traffic report findings and additional data is not required to assess this matter and has not been requested.

Recommendation that the development be retained as rental accommodation	The permit cannot condition the ongoing ownership model of the building. The application is assessed on its merits and whether the intended ownership is private or for rental purposes, is not a consideration in the application.
Bicycle parking location and access	Bicycle parking has a dedicated entry from Argyle Street. Location of the bicycle parking area from Argyle Street is not considered to be a barrier for utilisation. Future residents will be made aware of bicycle parking availability, access and location. The accessway as proposed is dedicated to bicycles accessing the site and is acceptable.
Overall affordable housing contribution	The proposed affordable housing contribution meets the minimum requirements of the planning scheme. There is no scope in the application to require a contribution above what is required in the scheme.
Loss of views	Loss of views is not a planning consideration.
Overlooking/privacy	The site is in an established urban setting within a neighbourhood activity centre. There are no offsite 'overlooking' controls that apply to the site.
Wind impacts	<p>A desktop Environmental Wind Assessment Report prepared by MEL Consultants has been provided with the application. The report criteria are based on the requirements of Clause 58.04-4 (Standard D17) which purpose is to ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.</p> <p>The report concludes walking comfort criteria will be achieved in the adjoining pedestrian network and standing criterion will meet at building entries, communal rooftop terrace and private balconies (subject to a full wall on one aspect).</p> <p>A condition of the permit requires the final approval plans to incorporate any recommendations of the wind report to achieve the requirements of Standard D17.</p>
Construction impacts (e.g. noise and environmental impacts)	A condition of the permit requires the submission of a Construction Management Plan (CMP) prior to the commencement of works. The CMP must include details about site management during the construction stage including details about traffic and parking management, noise and vibration mitigation, waste management and provide a contact number for resident enquires.
Heritage impacts	See response to Council Objection ground b.
Use of ministerial pathway	The application meets the requirements of Clause 53.23. The Minister for Planning is the responsible authority for the application pursuant to Clause 72.01-1 of the Yarra Planning Scheme.
Stormwater management	<p>Strategies of Clause 15.01-2L.01 include to incorporate best practice WSUD to improve the quality of stormwater runoff and reduce impacts on water systems and water bodies. WSUD features of the proposal include a 'Stormwater Treatment Train' contained within a MUSIC assessment and consists of the following devices:</p> <ul style="list-style-type: none">• Rainwater tanks with 30,000 litre capacity capturing rainwater from the extent of the roof. Captured water will be reused for irrigation and toilet flushing.• Provision of a Flowceptor which is a Stormwater Quality Improvement Device (SQID). This device separates suspended solids and pollutants improving the quality of stormwater discharged to the legal point of discharge and stormwater system.• Overall post-development flows are equal or less to that of pre-development flows.

Appendix 3: Response to City of Yarra Objection Grounds

Clause 53.18 (Stormwater management in urban development) outlines Standards to be achieved in relation to Stormwater management objectives for buildings and works (Standard W2) and Site management objectives (Standard W3).

Requirements of Standard W2 are achieved as described in the 'Stormwater Treatment Train'. Standard W3 relates to site management objectives and should describe how the site will be managed prior to and during the construction period in relation to erosion and sediment, stormwater management, litter etc. Site management plan permit conditions will require these matters to be considered.

The proposal will result in appropriate stormwater outcomes.

Noise from rooftop communal open space	Consistent with the Greystar decision no restrictions are placed on the rooftop area. This is because this space is an as of right component of the residential development which limits the ability to restrict its operations.
Clause 58 compliance	A detailed Clause 58 assessment is undertaken in the report (See Appendix 1).
Acoustic mitigation responses	<p>An Acoustic Assessment Report prepared by Clarity Consultants has been submitted with the application. The noise assessment methodology includes consideration of assessment of music noise from The Night Cat and The Fitzroy Town Hall Hotel, noise from the operation of the service station and traffic noise impacts on the proposed development.</p> <p>The report recommends building fabric and window glazing treatments to achieve compliance with the recommended internal noise levels. It is noted that the acoustic report includes Scenario options for different acoustic mitigation responses.</p> <p>An objections questions future outcomes that could be determined on scenarios that have not eventuated. The final acoustic response and associated mitigation strategies must reflect existing conditions (at the time lodgement for approval) and not rely potential changes to nearby built environment. Permit conditions reflect this consideration.</p>
Greystar integration	The planning submission and proposed plans acknowledge the adjoining Greystar approval and appropriately integrate proposed built form with building envelope approved under the Greystar permit. This is discussed in detail in the report.

Ground	Response
<p>a) <i>The proposal is contrary to the design objectives and design requirements of Schedule 36 to Clause 43.02 (Design and Development Overlay) of the Yarra Planning Scheme regarding building height and massing and fails to provide an appropriate transition in height to lower scale development to the north of the site;</i></p>	<p>The proposal is 6.345m greater than the preferred height of the DDO and 1.845m greater than the approved Greystar development and is acceptable because:</p> <ul style="list-style-type: none"> • DDO36 encourages a preferred future character of prominent street walls and a taller/mid-rise form on the north side of Johnston Street. • The proposal consolidates a series of lots in a corner environment while retaining a heritage building. • Building heights are marginally higher than the Greystar approval which was supported by the PPSAC. Additionally, the site fronts an arterial road where more intense form is proposed and supported in DDO36. Built form transitions and reduces along Napier Street and thoughtfully incorporates the retained heritage building. • Massing is appropriately distributed. The site extends from Johnston Street to Argyle Street allowing generous upper level setbacks (in excess of DDO36) along the eastern frontage to Napier Street. This reduces the visual impact of the additional height with the massing composition concealing upper level when viewed from residential zone land in the north.



- The proposed design detailing is a successful contextual response which appropriately addresses the sites distinctive interfaces. Building mass is delineated across each interfaces creating a distinctive identity to each façade.
- Overshadowing requirements in relation to the public realm (footpaths) are substantially met.

b) The proposal is contrary to the objectives of Clause 43.01 and heritage policies at Clause 15.03-1 and will detract from the South Fitzroy Heritage Precinct due to its height, massing and design detail and is not sufficiently responsive to its heritage context and will dominate the “contributory” heritage building at No. 329 Napier Street; and

The heritage building has been heavily modified and includes a rear (southern) addition, substantial rebuilding of the northern wall and later reproductions of the verandah and fencing. Part demolition of 329 Argyle Street is proposed with boundary walls fronting Argyle Street and Napier Street retained. The roof is proposed to be reconstructed noting that the current roof is not constructed of original materials. Retention of the heritage street walls is consistent with the updated draft DDO36/BFO to be considered by YACSAC.

The HIS report acknowledges that the extent of demolition results in ‘facadism’ to a certain extent something that is not supported in Council policy (Clause 15.03-1L). However, it is commented that “the current heritage building is of low interest and integrity – being appreciably altered with an addition to the south and the verandah reconstructed/constructed”.

The HIS concludes that the extent of demolition and reconstruction is acceptable because the building does not have a direct interface with any adjacent heritage buildings and its immediate context contains modern and ungraded buildings that are somewhat isolated from the more defined heritage streetscapes found north of Argyle Street.

Overall, the heritage place provides a minimal contribution to the broader precinct, and the extent of retention will provide a scale and character link to the heritage buildings to the north on the west side of Argyle Street. This is accepted.

Additionally, there is no new built form proposed above the retained heritage building with the heritage roof form to be maintained as supported by Clause 2.3 and Clause 2.4 of DDO36.

c) The proposal would result in poor on-site and internal amenity outcomes (inadequate secluded private open space, daylight and natural ventilation) to the apartments contrary to Clause 15.01 and Clause 58 of the Yarra Planning Scheme

Internal onsite amenity outcomes are acceptable and meet the objectives of Clause 58. A complete assessment against the standards of Clause 58 is provided in the report.

Private open space variations are offset by communal open space and other onsite amenities which are provided in excess of planning scheme requirements. This includes the rooftop terrace (542sqm), work from home area and associated terrace and entry foyer. Air conditioner condensers are also located on the roof maximising balcony space.

A minor variation to the natural ventilation requirements of Standard D29 (37% rather than 40% achieve the requirements) is acceptable. All habitable rooms are provided a window in an external wall of the building. Secondary areas are not relied on for daylight.

• The application needs to be amended under Section 57A of the Planning and Environment Act (1987) to apply for the use of the site for dwellings or re-design the ground floor to ensure there is no permit trigger for the dwelling use pursuant to the Commercial 1 Zone

The application has been formally amended under Section 57a. All triggers are captured in the permit.